

TOWN COUNCIL  
CLOSED SESSION  
AGENDA

Monday, September 19, 2011

- 7:15 p.m. Interview with Chanel Urrutia for consideration of appointment as a student representative to the Community Enhancement Commission.
- 7:30 p.m. Interview with Brittany Grutter for consideration of appointment as a student representative to the Community Enhancement Commission.
- 7:45 p.m. Interview with Mark Uhron for consideration of re-appointment to the Town/Business Liaison Committee. He currently serves as its Vice Chairman and Citizen Representative.

***Closed Session #1***  
***Certification Motion, September 19, 2011***

“I move that the members of the Vienna Town Council be polled to affirm that during the Closed Session convened this date, September 19, 2011, the Town Council met for purposes of discussing matters of personnel, specifically the interviewing of candidates interested in appointment and /or re-appointment to Town boards and commissions.

“I further move that the Certification Resolution be adopted in accordance with State Statutes, and that the Deputy Town Clerk is authorized to execute the Certification Resolution.”

After the conclusion of the Town Council’s Work Session, the Town Council will meet in Closed Session for purposes of discussion or consideration of the acquisition of real property for a public purpose. (In accordance with Virginia Code Section 2.2-3711.A(3))

Closed Session Date: September 19, 2011

Motion: Councilwoman Kelleher

Second: Councilman Polychrones

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Town Council of Vienna has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.-233 (A) (1) of the Code of Virginia required a certification by the Town Council that such Closed Session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby certifies that to the best of each member's knowledge, ( i ) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Session to which this certification resolution applies, and ( ii ) only such public business matters as were identified in the motion convening the closed session were heard, discussed, or considered by the Town Council.

Vote:	Aye	/	Nay
Laurie Genevro Cole	<u>✓</u>	/	<u>      </u>
Laurie A. DiRocco	<u>✓</u>	/	<u>      </u>
Edythe F. Kelleher	<u>✓</u>	/	<u>      </u>
Michael J. Polychrones	<u>✓</u>	/	<u>      </u>
Carey J. Sienicki	<u>✓</u>	/	<u>      </u>
Howard J. Springsteen	<u>✓</u>	/	<u>      </u>
Mayor M. Jane Seeman	<u>✓</u>	/	<u>      </u>

Paul A. Waters  
Deputy Town Clerk

***Closed Session #2***  
***Certification Motion, September 19, 2011***

“I move that the members of the Vienna Town Council be polled to affirm that during the second Closed Session convened this date, September 19, 2011, the Town Council met for purposes of discussion or consideration of the acquisition of real property for a public purpose.”

“I further move that the Certification Resolution be adopted in accordance with State Statutes, and that the Deputy Town Clerk is authorized to execute the Certification Resolution.”

“I further move that the Closed Session be continued to Monday, September 26<sup>th</sup>, 2011 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A(1) and A(3) for purposes of discussing matters of personnel, specifically the interviewing of individuals interested in appointment and /or re-appointment to Town boards and commissions, and discussion or consideration of the acquisition of real property for a public purpose.”



Closed Session Date: September 19, 2011

Motion: Councilwoman Kelleher

Second: Councilwoman Sienicki

### CERTIFICATION OF CLOSED SESSION

WHEREAS, the Town Council of Vienna has convened a second closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.-233 (A) (1) of the Code of Virginia required a certification by the Town Council that such Closed Session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby certifies that to the best of each member's knowledge, ( i ) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Session to which this certification resolution applies, and ( ii ) only such public business matters as were identified in the motion convening the closed session were heard, discussed, or considered by the Town Council.

Vote:	Aye	/	Nay
Laurie Genevro Cole	✓	/	
Laurie A. DiRocco	✓	/	
Edythe F. Kelleher	✓	/	
Michael J. Polychrones	✓	/	
Carey J. Sienicki	✓	/	
Howard J. Springsteen	✓	/	
Mayor M. Jane Seeman	✓	/	

Paul S. Watson  
Deputy Town Clerk

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION MEETING  
Monday, September 19, 2011  
8:00 PM  
Charles A. Robinson, Jr. Town Hall, 127 Center Street South

 Print

---

1. **8-foot-tall fence(s) in Nutley Street SW public right-of-way**
2. **Water/Sewer Issues Follow-up**
3. **Indirect Cost Study Report**
4. **Water and Sewer Valuation Study: Final Report**
5. **Water/Sewer CIP Study Follow-up**
6. **Estimated Water and Sewer Rate Impacts**
7. **Filling vacant Water/Sewer Division position**
8. **Position Reclassification Request**
9. **Sewer Backup Insurance**
10. **2011 Christmas Eve Holiday Schedule**
11. **Commercial Sidewalk Snow Removal ordinance**

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 1

 Print

8-foot-tall fence(s) in Nutley Street SW public right-of-way

**BACKGROUND SUMMARY:**

On June 15, 2011, the Board of Zoning Appeals considered an application for the construction of an 8-foot-tall fence along the rear line of the property at 903 Myers Circle SW, that adjoins Nutley Street SW. After due consideration of written and oral testimony, the staff report and comments from Boardmembers, the Board of Zoning Appeals (BZA) granted the requested variance subject to the placement of said fence in accord with other Town Code requirements.

At the suggestion of Boardmembers, four additional properties along Myers Circle SW (#901, 905, 907 and 909) were reviewed as one application at the BZA meeting of July 20, 2011. As in the case of the first application, the BZA granted fence height variances for the four additional parcels because each "backs up" to Nutley Street SW, and the increased fence height serves as a security and privacy buffer between their rear yard and the sidewalk and traffic lanes along said street (2009 VDOT traffic count is 27,000 vehicles per day).

**OVERVIEW:**

The grant of the five (5) variance applications as noted in the Background Summary above occurred after the property owners' petition for relief was reviewed by the Mayor and rightly determined to be within the purview of the Board of Zoning Appeals. In that petition, the Myers Circle SW, property owners cite masonry screen walls that separate commercial and residential properties along Nutley Street SW, near its intersection with Maple Avenue West. Staff noted--in its report to the BZA--that masonry screen walls are required by § 18-172 of the Vienna Town Code to serve as a physical buffer, or screen, between parcels zoned for single-family detached residential dwellings and parcels that carry a more intensive use (higher-density residential or commercial activities, for example). As a part of this ordinance requirement, the masonry screen wall must be not less than 6 feet in height on the residential side of the wall (which usually translates into a taller wall on the more intensely-zoned side thereof).

The Board of Zoning Appeals granted the 8-foot-tall fences along Nutley Street SW, with the condition that each such fence (spanning a total length of some 505.5 feet) would be a "board and batten wooden-type fence." The staff--in its report to the BZA--also noted that a 10-foot-wide easement in favor of the Town for traffic control purposes extends along the rear line of each of the subject properties. Based upon surveys provided by the owners, the existing chain link fences along the rear line of #901 and #905 Myers Circle SW, are situated within the boundaries of the subject parcels, while the remaining fences are constructed within the right-of-way for Nutley Street SW.



The permit for the 8-foot-tall fence at 903 Myers Circle SW, has been issued by the staff under the standard Town requirements that all new fences must be constructed with the finished side facing outward and upon private property. The remaining fence permits have yet to be filed since the property owners' desire to construct the new wooden fence in the same location as the existing fences, which is generally four feet beyond their rear property lines and entirely within the Nutley Street SW, street right-of-way.

**SUMMARY/STAFF IMPRESSIONS:**

Testimony provided during the public hearings before the Board of Zoning Appeals indicates that the Myers Circle SW, property owners desire to place the new 8-foot-tall fence in the same general location as the existing fence to take advantage of the existing grade in that area. Most of the residential parcels drop off significantly from the Nutley Street SW, right-of-way, and it is the owners' belief that restricting the location of the new fence(s) to their rear property lines will greatly reduce the benefit of the added height.

Section 18-35 (by reference from § 18-17) of the Vienna Town Code specifies the conditions under which fence permits may be issued. One such condition is to insure that any fence must be placed within the boundaries of the applicant's own property. As such, the Zoning Administrator is precluded for issuing fence permits for the construction of the aforementioned fence(s) within the public street right-of-way.

**DOCUMENTS ATTACHED:**

1.  PROPERTY OWNERS PETITION.pdf
2.  REPRESENTATIVE BZA ORDER 900 BLK MYERS CIR SW.pdf

**RECOMMENDATION:**

The Planning & Zoning Director can recall only one instance of a proposed agreement between the Mayor and Town Council and a property owner to permit the construction of a fence within the public street right-of-way. That proposal--while never enacted--would have required the preparation of a hold-harmless agreement by the Town Attorney and its execution by the affected parties. With respect to the current proposal, Mr. Hembree and Mr. Johnson, Director of Public Works was also concerned about the type of precedent that would result from the grant of the proposed fence placement within the public street right-of-way. He also notes that the existing sidewalk along Nutley Street SW, is substandard at only 4 feet in width as opposed to the Town's new standard of 5 feet.

Dear Board of Zoning Appeals:

This letter represents the formal petition of a united group of property owners from Myers Circle SW who own property abutting Nutley Street SW (hereinafter referred to as "the Petitioners"). The Petitioners seek permission from the Board of Zoning Appeals to construct an eight-foot high fence along a stretch of property along Nutley Street SW in place of the existing 4 foot chain link fence. The Petitioners seek a waiver to the current restrictions on the height of fences in the Town of Vienna due to increasing noise, privacy, health and safety concerns. This petition is not a singular request, but is representative of four property owners and is representative of a community's desire.

The volume of vehicle and pedestrian traffic on Nutley Street has steadily increased over the past few years, and Nutley Street is now a major artery serving the town. Attendant with the increase in traffic is the increase in noise, privacy, health and safety issues.

- Noise: Noise from traffic on Nutley Street is a 24-hour concern. The wail of sirens and the interruption of flashing lights is a nightly occurrence. The rumble of motorcycles routinely overwhelms conversation. In addition, the throb from car stereos and the occasionally offensive language emitting from vehicles hampers our ability to enjoy our property as all four properties' backyards face Nutley Street.
- Privacy: With the increase in pedestrian traffic, is an increase in privacy concerns. We can no longer enjoy our property without having street and pedestrian traffic observing our children at play, our backyard bar-b-que's, and other daily activities. On occasion, pedestrians cut through our yards to access other streets.
- Health: There is a marked increase in rubbish thrown from vehicles and litter discarded from pedestrians. And this rubbish is not simply discarded food wrappers and drink bottles. One family found a discarded machete thrown over a four-foot fence. All of these discarded items pose health concerns to animals and humans.
- Safety: Rising concerns related to the safety of the pets, children and property are of paramount important to the Petitioners.
  - Safety of pets: In addition to the health hazard posed by rubbish, there is an increased safety hazard to pets and children. One family came outside to find pedestrians throwing rocks at the family pet.
  - Safety of children: We also have significant concerns on the welfare and safety of our children. With the constant street and pedestrian traffic, and a lack of a sufficient privacy barrier, our children are easily visible to predators, who may take further action.
  - Safety of property: Similarly, a lack of a sufficient privacy barrier exposes our daily routine to street traffic, making our homes and property a target of vandals and other malicious action. In the past few years, several cars on Myers Circle, SW have been vandalized, causing significant damage.

The Petitioners are aware that the Town of Vienna currently permits property owners to build fences six feet in height. A six foot fence would provide only marginal protection from the hazards identified above (see Appendix).

Fairfax County Zoning Ordinance 10-104 states "in any side or rear yard on any lot, a fence or wall not exceeding seven (7) feet in height is permitted. However, a solid wood or masonry fence or wall not exceeding eight (8) feet in height, located flush to the ground, is permitted... For that portion of a side or rear yard of a residential lot where the side or rear lot line is within 150 feet of a major thoroughfare and abuts common or dedicated open space, where such open space is located between the lot line and the major thoroughfare." Nutley Street SW is listed as and considered by definition and practice a Major Thoroughfare by both the Town of Vienna and Fairfax County.

The Vienna Zoning Ordinance states a residential property abutting a commercial or industrial property may have an 8 foot fence or wall, as evidenced and a matter of precedence by property on the northern section of Nutley St, SW and as Roland St, SW (see Appendix). It is our understanding this ordinance has been incorporated due to elevated traffic, congestion, and noise, and the potential hazards and annoyances that come with these items. There is no question Nutley Street SW exhibits most, if not all, of these same concerns and meets the spirit of the ordinance, thus allowing and in some cases requiring a minimum of an 8 foot barrier. To exacerbate these issues, our property is only mere feet from the thoroughfare and Nutley Street is at an elevated position above our backyards.

The town has convicted sex offenders living and/or working within town limits. As a major thoroughfare between the Vienna Metro, the town, I-66, Maple Ave, and Tyson's Corner, Nutley Street and its sidewalks are unquestionably utilized by these offenders, as well as other predators. A six foot fence fails to provide adequate protection.

Vehicle and pedestrian traffic on Nutley Street has steadily increased and will continue to increase. The following items within the Town's 2010 Comprehensive Plan recognize the concerns of the petitioners:

- Commuter traffic dominates automobile traffic through Vienna.
- Tyson's Corner is one of the region's largest employment and retail centers. Commuters utilizing I-66 & the Vienna Metro contribute substantially to congestion on Nutley Street. Most commuter traffic neither originates in nor terminates in Vienna.
- Nutley Street is a Major Thoroughfare.
- Traffic congestion on Nutley Street is so heavy and backed up, motorists on arterial streets frequently require two or more signal cycles to cross or turn on to Nutley Street.
- Residential Neighborhoods may be adversely affected by commuter parking. With the design of I-66, incentives exist for people to park in SW Vienna for carpools. Overflow from the Vienna Metro spills on to local streets. [This increases pedestrian and vehicle traffic in our neighborhood and on Nutley Street].

- Safety is a concern due to the high volume of traffic and the rapid pace of DC area, which results in stress on drivers and contributes to unsafe situations within Vienna.
- The town Police has to vigorously enforce traffic laws particularly on Nutley Street in order to attempt to calm traffic.
- Traffic on Nutley Street is so bad, the town wants to optimize signals.
- Maintenance of sidewalks on Nutley Street is a priority [which contributes to high volume of foot traffic], particularly near the Vienna Metro.
- Traffic calming measures have done little to relieve congestion on Nutley Street.
- Traffic conditions are likely to further deteriorate around the Vienna Metro [our backyard].
- Developers are submitting plan amendments calling for higher densities, which will result in more traffic and congestion.
- As part of the land use objective, a main priority is to promote the safety and security of town residents. [Our fence proposal concurs with this goal with no cost to the town].
- The town wants to strengthen the Central Business District [which would result in more traffic].
- Traffic on Maple Avenue is already at or above capacity at most times. [The traffic studies show Maple Ave. and Nutley St. have virtually same traffic count – and in some cases more].

The following goals are listed within the Town's 2010 Comprehensive Plan which recognizes the concerns of the petitioners:

- Create a transportation system to minimize disturbing effects of increased traffic on community. This goal is to protect residents from direct and indirect effects of regional and local traffic.
- Maximize the use of sidewalks [resulting in more pedestrian traffic at our backyard].
- Reduce pollution [acknowledging pollution on Nutley Street is an issue].
- Increase the use of Vienna Metro [more traffic on Nutley Street].
- Minimize number of access points on Nutley [acknowledge Nutley St is heavily used].
- Support additional parking at the Vienna Metro [more traffic in our backyard].
- Integrate non-motorized transportation systems, with emphasis on Vienna Metro.
- Support more bike racks at Vienna Metro [increased bicycle traffic (with elevated vantage points) passing our backyards].

Nutley Street SW is on a Bus and Truck Route. These heavy vehicles produce elevated noise levels and add to privacy concerns due to the elevated vantage points of passengers.

Due to the fact traffic is a major concern to the Town of Vienna and its resident, the town commissioned a Traffic Calming Study. A major finding of the study showed the highest

percentage of cut through traffic involved Nutley Street SW and Kingsley Street SW. The majority of cut through traffic is caused by vehicles using Nutley Street to travel between I-66 and Tyson's Corner. This same study showed an average daily traffic count taken in 2005 on Maple Ave. E to be 41,000 to 44,000, on Maple Ave. W to be 38,000, and on Nutley St SW to be 39,000. Weekday only averages are slightly elevated, but equally distributed between these streets. Maple Ave is considered the Principal Artery of Vienna. However, you can see that Nutley St. SW is only slightly lower than Maple Ave E and higher than Maple Ave. W.

Fairfax County land use policy prohibits residential development where outside noise exceeds 75 dB. It is almost certain the county today would not allow a new major thoroughfare to be constructed so close to residential property, such as Nutley Street SW is to our property on the eastern side of Myers Cir SW. There are examples where Fairfax County, as so have many other counties within the U.S. in a similar situation, have constructed sound barriers to abate noise exceeding residential thresholds. It has been said when Nutley Street was originally built, today's use was not envisioned. It is often difficult to carry on a simple conversation while in our backyards. Traffic noise is such an issue in our area, Tyson's Corner commissioned a study which was to begin April, 2011. As traffic congestion is an increasing problem locally, regionally, nationally, and even globally, there have been many studies performed on the Noise impacts. The following items show the average results of various studies.

- Flowing traffic at 35 mph shows noise levels of 73 db(A) to 83 db(A), depending on the number and type of vehicles.
- Various recommendations set a threshold of 65 db(A) during the day.
- A noise level of 65 db(A) is level when ambient noise begins to interfere with the ability to carry on normal conversation. A level of 60 db(A) is considered intrusive, 70 db(A) makes telephone use difficult, and 80 db(A) interferes with conversation.
- Traffic calming measure alone will not reduce the noise level. 200 vehicles in an hour are only half as loud as 2000. A small reduction in traffic will produce sufficient results.
- A 10 dB decrease is perceived as halving the level noise. A 3 dB change is VERY noticeable.

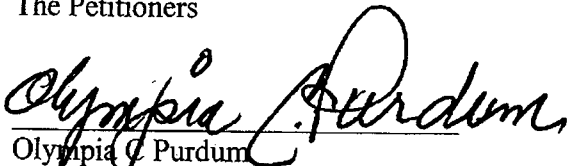
The petitioners are proposing an 8 foot fence which has been shown to be capable of reducing noise as much as 6 dB to 10 dB. This decrease is equivalent to a vacuum cleaner noise level to that of normal speech. Again, a 10 dB reduction sounds half as loud. Unlike a 6 foot masonry wall, the petitioners have not found any studies showing any affect of a 6 foot wooden fence having a satisfactory reduction in noise levels. Additionally, upon speaking with several local fence contractors who have constructed 6, 7, and 8 foot fences, particularly those built in an attempt to reduce noise levels, have stated a 6 foot will yield no noticeable difference in levels. They have continued to state you will not perceive a significant, but will get some, reduction of levels at 7 feet. Ultimately, these professionals stated we will not get any considerable affect until an 8 foot fence is constructed.


A suggested solution of planting bushes, shrubs, and/or other vegetation will not resolve the matter. It will take approximately 50 feet of dense vegetation to abate the noise. This is not feasible with the size and depth of our back yards. This method will not solve the security issues, but can actually encourage an intruder to use the vegetation as method of concealment. The vegetation will likely lose its leaves during the fall and winter, dissipating any intended affect. The vegetation will promote an increase in insects, pests, and bugs, further deteriorating the pleasure of our backyard. Further, as it has happened several times on Nutley St, a stray vehicle can destroy any vegetation, taking years to harvest again.


The Petitioners contacted several vendors providing fence construction services to determine cost and timeframe requirements. The Petitioners further commit to ensuring the maintenance of the fence as it weathers so as not to disrupt the appearance of the Town of Vienna.


The Petitioners appreciate the serious consideration of their request by the Board of Zoning Appeals of the Town of Vienna. The properties owned by the Petitioners represent a significant investment in the Town of Vienna, and the Petitioners hope to reap the full return on their investment by enjoying their property in peace and safety for many years to come.

Sincerely,  
The Petitioners

  
Olympia C. Purdum  
909 Myers Cir SW

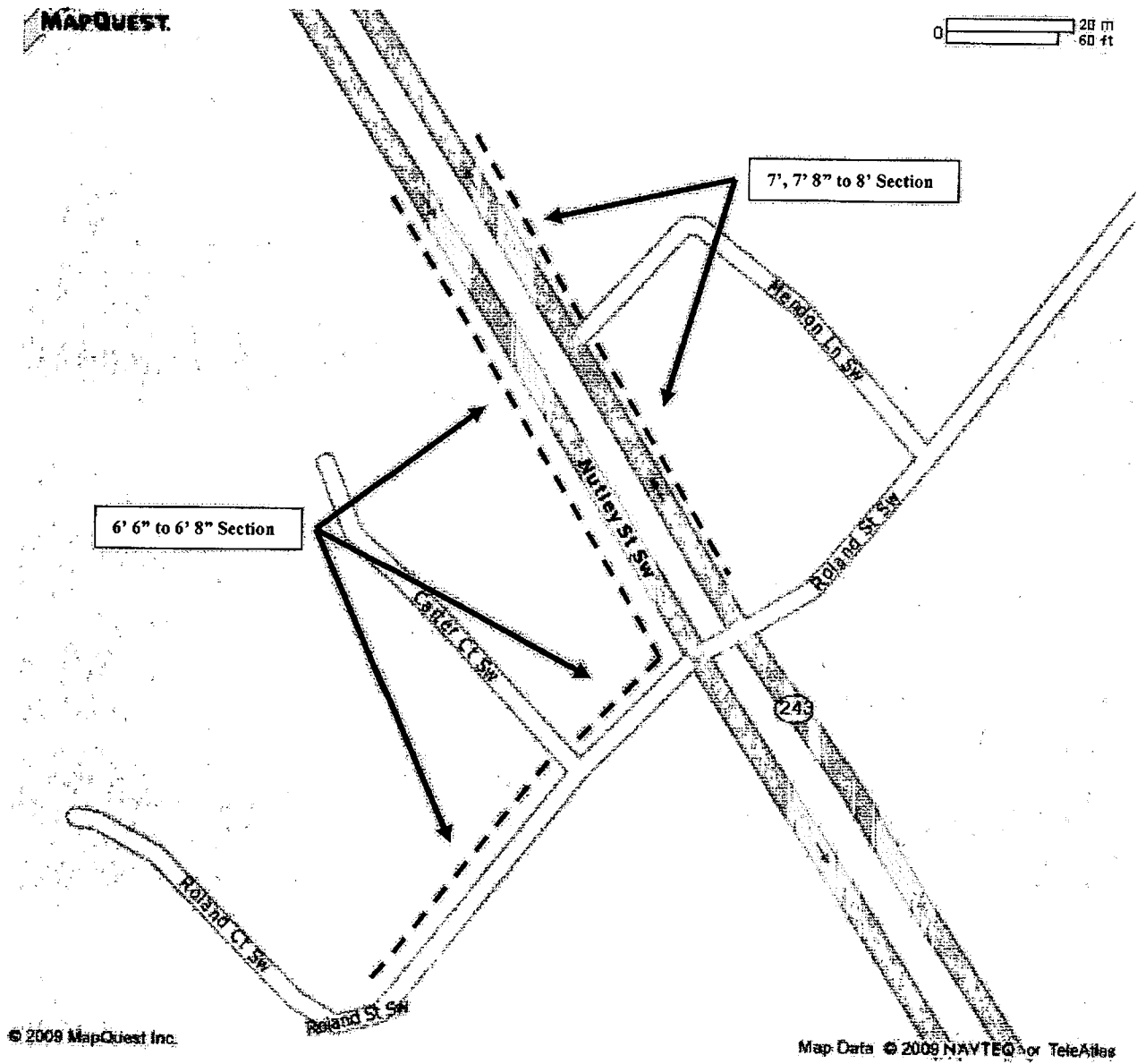
  
Ian & Kathryn De Vocht  
907 Myers Cir SW

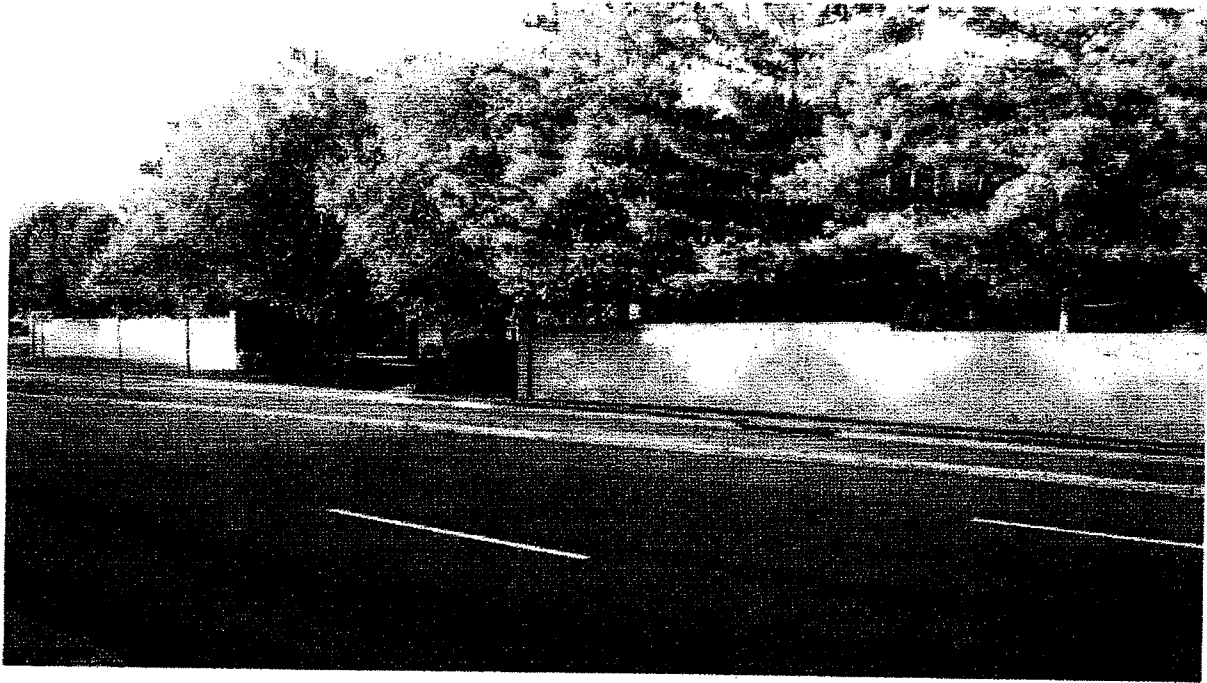
  
David & Kelly Brickley  
905 Myers Cir SW

  
Michael & Joanna Syverson  
901 Myers Cir SW

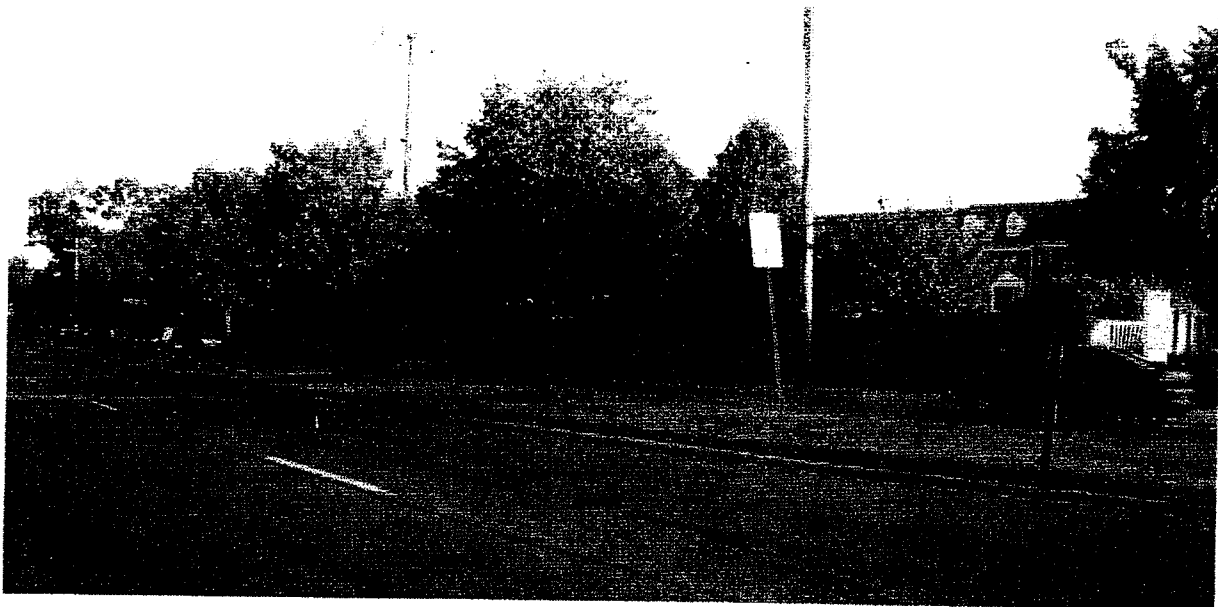


Appendix

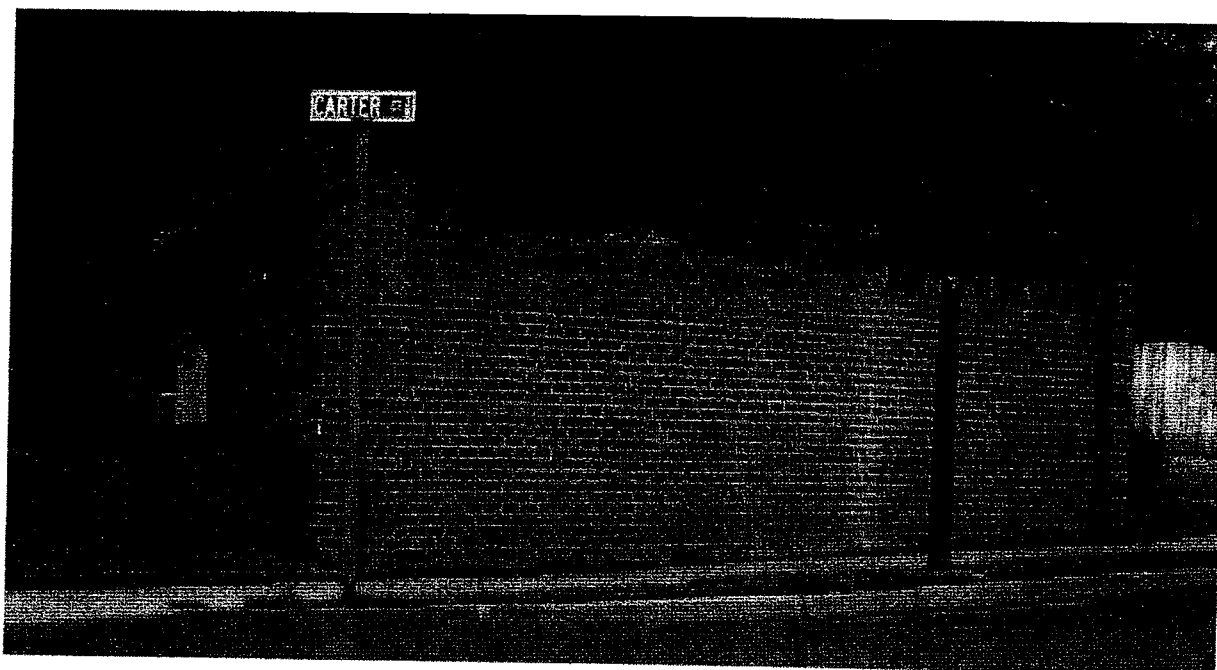




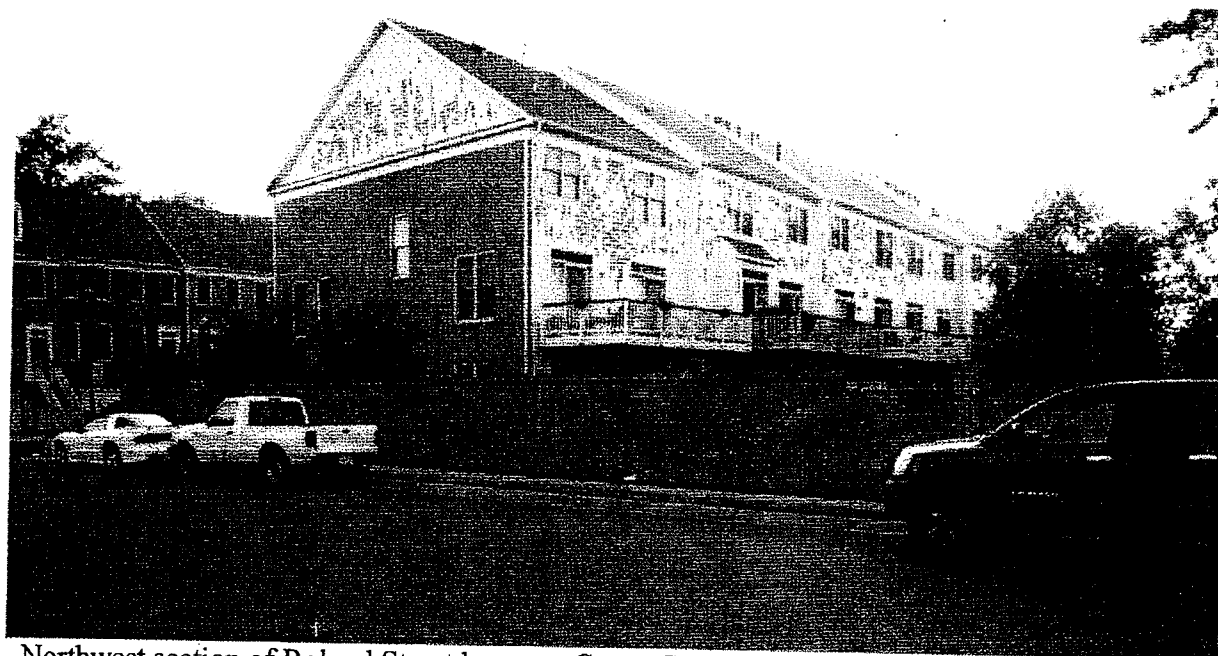
Northeast side of Nutley at Mendon Lane. Northern section of fence measures 7' in height. Southern section measures from 7' 8" to 8' in height. All measurements DO NOT include the "posts." The "posts" rise HIGHER than the aforementioned height of the fence line.



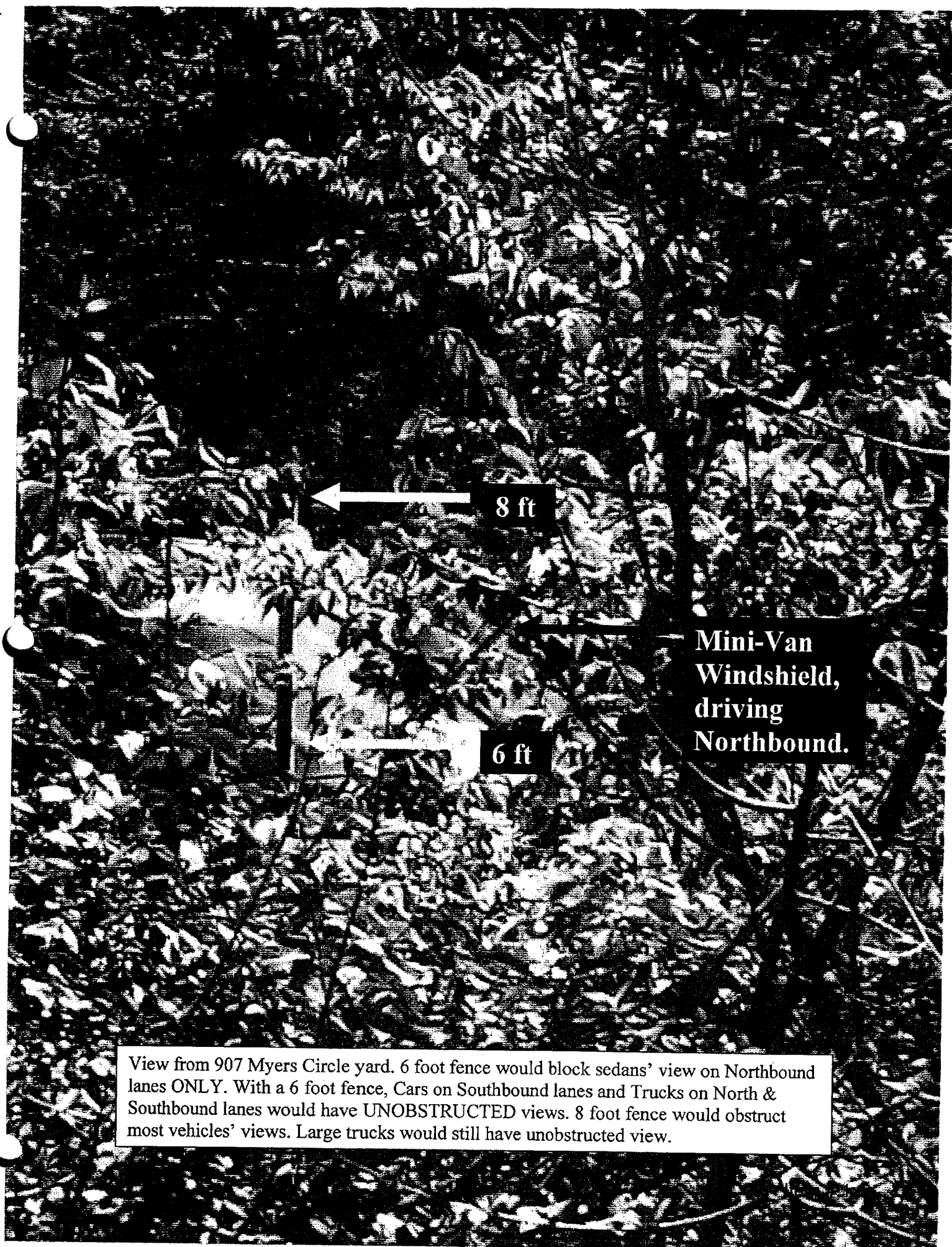
Southeast side of Nutley at Roland Street. The entire section of fence measures from 6' 6" to 6' 8" in height. All measurements DO NOT include the "posts." The "posts" rise HIGHER than the aforementioned height of the fence line.



Northwest intersection of Roland Street and Carter Court. The entire section of fence measures from 6' 6" to 6' 8" in height. All measurements DO NOT include the "posts." The "posts" rise HIGHER than the aforementioned height of the fence line.



Northwest section of Roland Street between Carter Court and Roland Court. The entire section of fence measures from 6' 6" to 6' 8" in height. All measurements DO NOT include the "posts." The "posts" rise HIGHER than the aforementioned height of the fence line.



8 ft

6 ft

Mini-Van  
Windshield,  
driving  
Northbound.

View from 907 Myers Circle yard. 6 foot fence would block sedans' view on Northbound lanes ONLY. With a 6 foot fence, Cars on Southbound lanes and Trucks on North & Southbound lanes would have UNOBSTRUCTED views. 8 foot fence would obstruct most vehicles' views. Large trucks would still have unobstructed view.



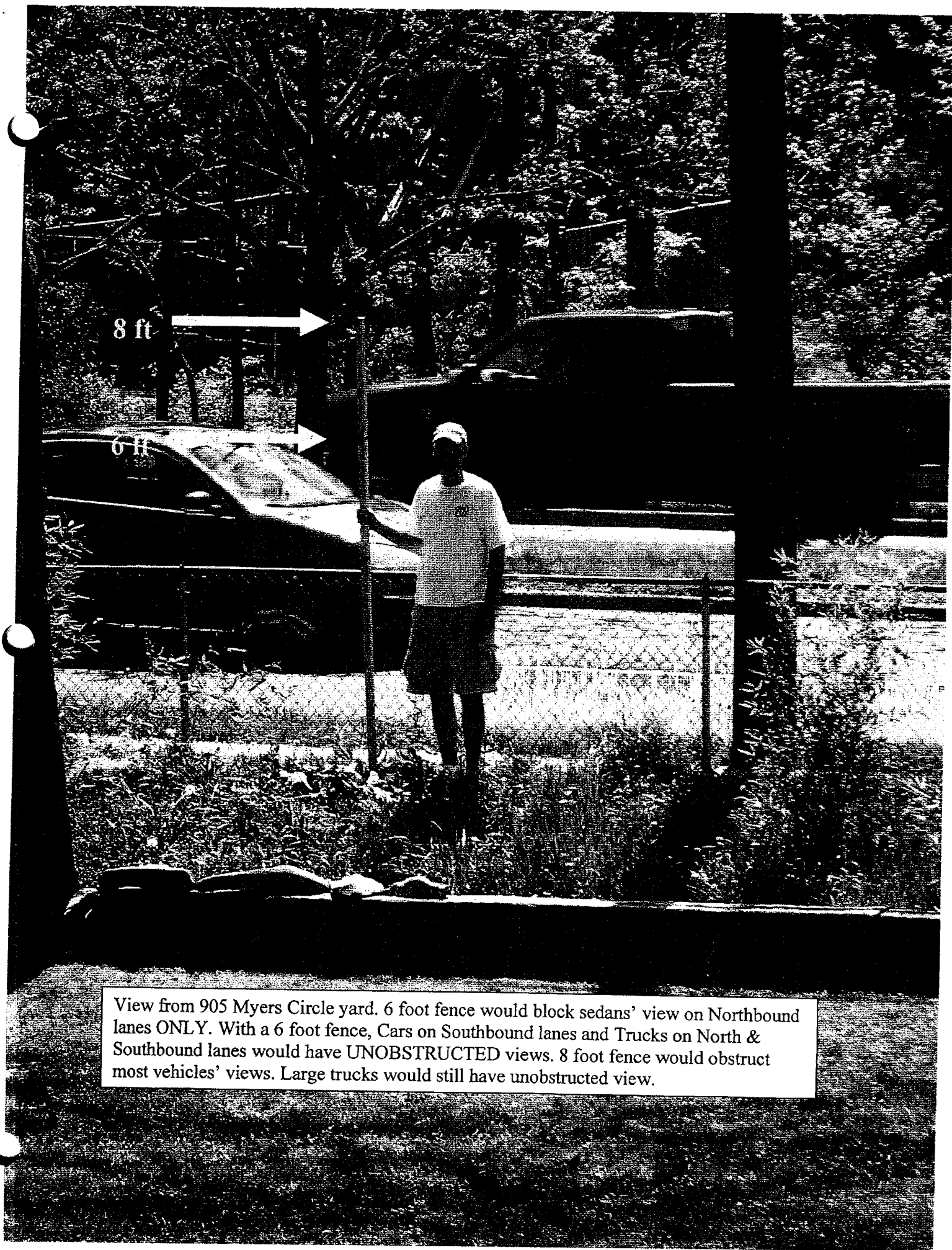
Mini-Van  
driving  
Southbound

8 ft

6 ft

View from 907 Myers Circle yard. With a 6 foot fence, Cars on Southbound lanes and Trucks on North & Southbound lanes would have UNOBSTRUCTED views. 8 foot fence would obstruct most vehicles' views. Large trucks would still have unobstructed view.





View from 905 Myers Circle yard. 6 foot fence would block sedans' view on Northbound lanes ONLY. With a 6 foot fence, Cars on Southbound lanes and Trucks on North & Southbound lanes would have UNOBSTRUCTED views. 8 foot fence would obstruct most vehicles' views. Large trucks would still have unobstructed view.



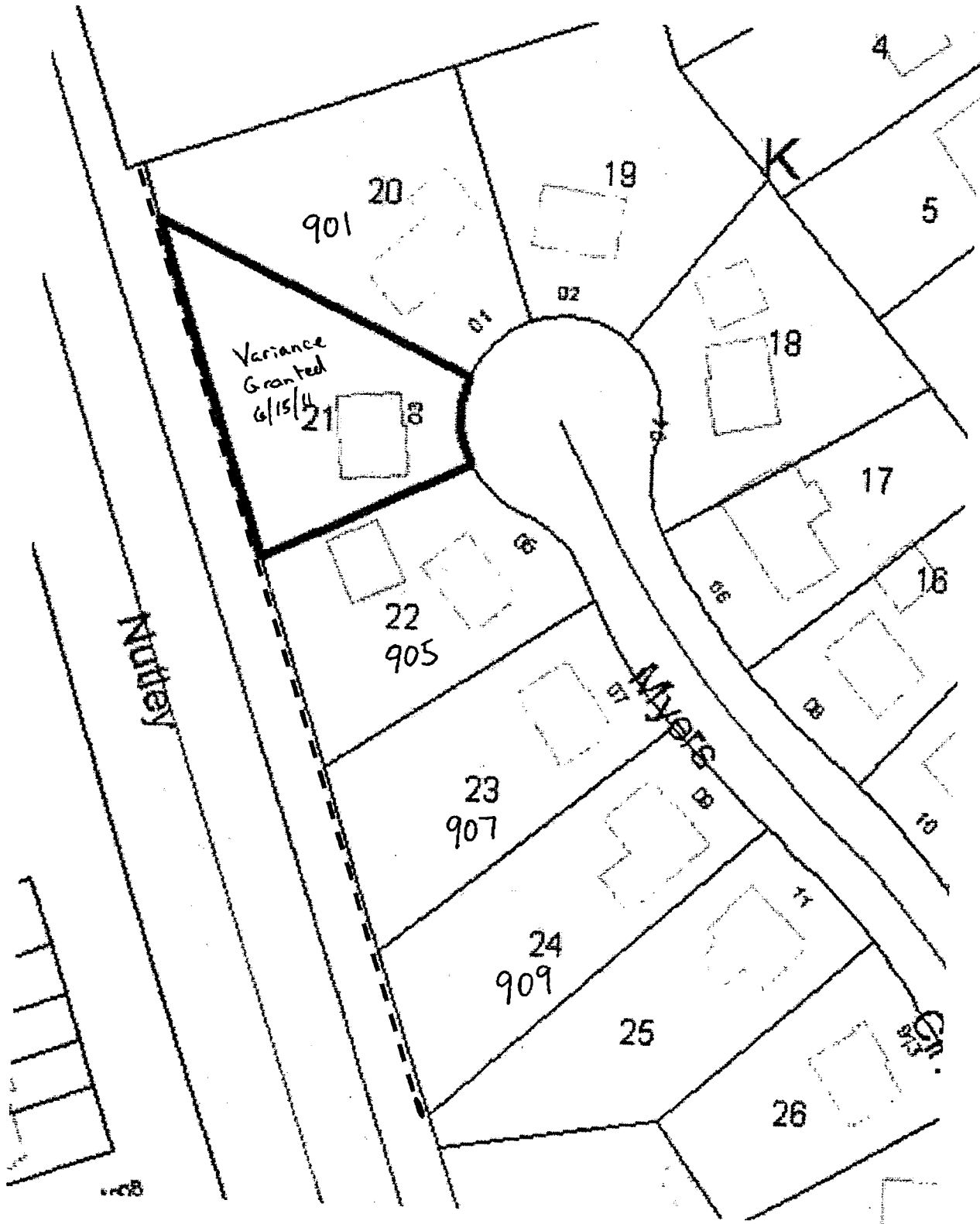
View from 903 Myers Circle yard. 6 foot fence would block sedans' view on Northbound lane #2 ONLY. With a 6 foot fence, Cars on Northbound lane #1 & Southbound lanes, and Trucks on North & Southbound lanes would have UNOBSTRUCTED views. 8 foot fence would obstruct most vehicles' views on Northbound lanes, however Trucks would still have a view from Southbound lanes. Large trucks would still have an unobstructed view from all lanes.

Item #



View from 903 Myers Circle yard. Trucks would still have a view from Southbound lanes. Large trucks would still have an unobstructed view from all lanes.





----- : Proposed Fence Line Replacing Existing Chain Link Fence

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA  
Variance Application Submitted by David Brickley on behalf of Michael G. Syverson to construct a fence in excess of the maximum height requirement on property located at 901 Myers Circle SW, in the RS-10, Single-Family Detached Residential zone.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on July 20, 2011, for a requested variance from Section 18-35 of the Code of the Town of Vienna, Virginia. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. On June 15, 2011, the Board of Zoning Appeals considered an application for the construction of an 8-foot-tall fence along the rear line of the property at 903 Myers Circle SW, that adjoins Nutley Street SW. After due consideration of written and oral testimony, the staff report and comments from Boardmembers, the Board of Zoning Appeals granted the requested variance subject to the placement of said fence in accord with other Town Code requirements (on the applicant's property and with the finished side facing outward). In their consideration of the grant of said variance, Boardmembers noted the testimony of a surrounding neighbor, and the intentions of other property owners on the same street to move forward with their own variance applications should the initial request be approved. It was suggested by the Board that the staff combine the subsequent Myers Circle SW, fence height applications into a single request.
- B. The characteristics of each of the four (4) lots that comprise the combined variance application were noted in the staff report and indicated below:
1. The subject property at 901 Myers Circle SW (Lot 20), encloses 16,362 square feet and is a pie-shaped lot along the cul-de-sac bulb that ranges from 40.01 to 162.88 feet in width and 134.39 to about 200 feet in depth. According to its survey, 28.34 feet of the westernmost portion of the property adjoins Nutley Street SW. Improvements include the single-family dwelling, attached carport and driveway.
  2. Lot 22 (#905) encloses 13,169 square feet, adjoins the cul-de-sac bulb and ranges from approximately 66 to 88 feet in width and from 117.72 to 159.13 feet in depth. According to the survey, the rear line that adjoins Nutley Street SW, is 103.78 feet in length. Existing improvements include the dwelling, detached garage and concrete driveway.
  3. Lot 23 (#907) encloses 13,636 square feet and ranges from 70 to 93.02 feet in width and from 159.13 to 185.42 feet in depth. The subject property survey indicates a rear-line length of 93.02 feet along Nutley Street SW. Existing improvements include the dwelling, detached garage and concrete driveway.
  4. Lot 24 (#909) enclosed 16,599 square feet and ranges from 70 to 93 feet in width and from 185.42 to 224.55 feet in depth. The survey, from 1958, indicates a rear-line length of 100.78 feet along Nutley Street SW, and existing improvements consisting of the existing dwelling and driveway.
- C. Each of the four RS-10 zoned subject parcels "back up to" Nutley Street SW (VA 243), and it is in this location that the property owners desire to construct an 8-foot-tall fence to serve as a security and privacy buffer between their rear yard and the sidewalk and traffic lanes along said street (2009 VDOT traffic count is 27,000 vehicles per day). These parcels are known legally as Lots 20, 22, 23 and 24 of Block K, Section Eight, Vienna Woods. Because § 18-35 of the Vienna Town Code (by reference from § 18-17) specifies a maximum fence height of 6 feet, the entire length of each of the four proposed fences would exceed the permitted height requirement.
- D. According to the various property surveys, the total length of these rear lot lines along Nutley Street SW, spans a distance of 325.84 feet (with 903 Myers Circle SW, a total of 505.5 feet) and is also entirely located within a 10-foot-wide easement in favor of the Town for traffic control purposes. Based upon surveys provided for the parcels at 903 and 905 Myers Circle SW, the existing chain link fences along the rear line of #901 and #905 are situated within the boundaries of the subject parcels, while the remaining fences are constructed within the right-of-way for Nutley Street SW. (As was noted in the first such application for the 8-foot-tall fence, all new fences must be constructed with the finished side facing outward and upon private property.)
- E. As noted in the June 2011 staff report, a significant portion of the supporting documentation that accompanies the variance request was provided to the Mayor and Town Council in the form of a petition requesting a waiver from the maximum fence height

July 20, 2011

Page 2 of 2

requirements. Mayor Seeman, in her response letter, rightly noted that the proper venue for consideration of a fence height variance is before the Board of Zoning Appeals. The original petition included a total of five property owners along Myers Circle SW.

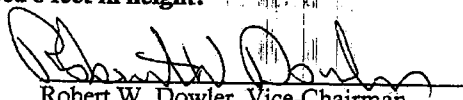
- F. A continuing comparison is also being made between the proposed 8-foot fence along the rear property lines of the Myers Circle SW, properties and the masonry screen walls that currently exist along the property boundaries of Townes of Vienna III and IV on either side of Nutley Street SW, and to the north of Roland Street SW. Masonry screen walls are required—by § 18-172 of the Vienna Town Code—to serve as a physical buffer, or screen, between parcels zoned for single-family detached residential dwellings and parcels that carry a more intensive use (higher-density residential or commercial activities, for example). As a part of this ordinance requirement, the masonry screen wall must be not less than 6 feet in height (not 8 feet as specified in the updated petition) on the residential side of the wall (which usually translates into a taller wall on the more intensely-zoned side thereof).
- G. An extensive review of the department's address files yielded a number of prior variance applications for 6-foot-tall fences on corner lots for single-family residences, and a 10-foot-tall fence along a row of townhouses (100-110 Shepherdson Lane NE) in the RTH-zoned Regency Ridge townhouse development to screen those properties from the adjoining Dominion Virginia Power Clark Substation (from the June 17, 1999 order: "It was clearly stated that it is quite rare for the Board to find a hardship that would support the grant of a fence ten (10) feet in height").
- H. Prior to opening the Public Hearing on this matter, a majority of the Board determined that it was appropriate to review and vote on each property separately.

AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

Item # 1


1. Granting of the requested variance, as considered by the Board of Zoning Appeals, will not be detrimental to the health, safety or welfare of the neighborhood, nor to the persons who reside therein, and is approved in accordance with the provisions of § 18-233 of the Town Code.
2. The Board noted that the variance request from the preceding month set into motion the current request(s) and the property owners had made a good case for a hardship due to the high traffic volume experienced along Nutley Street SW, along with justifiable concerns for privacy, personal safety and noise that would be alleviated through the construction of a fence in excess of the maximum permitted height.
3. During public testimony, it was offered by the property owner's representative that it was the owner's desire to replace the existing chain link fence with a new fence 8 feet in height. Boardmembers determined—from the resulting discussion on the matter—that the Zoning Administrator is only able to issue fence permits to the owner of private property and that he had no authority to permit the placement of any new fence on publicly-held property. After reference to the Order issued the previous month to the owners of 903 Myers Circle SW, it was noted that each current Order—if said variance was approved—should reference the granted fence height and style only. The Board also determined that the grant of new fence placement within the existing right-of-way for Nutley Street SW, even if it is for the replacement of an existing chain link fence, properly belongs with the Mayor and Town Council.

IT IS, THEREFORE, ORDERED, this 26<sup>th</sup> day of July, 2011, that the application, as submitted by David Brickley, on behalf of Michael G. Syverson, to construct a fence in excess of the maximum height requirement on property located at 901 Myers Circle SW, for a variance from the above-referenced Vienna Town Code section shall be **approved subject to construction of a board and batten-type wooden fence not to exceed 8 feet in height.**

  
Robert W. Dowler, Vice-Chairman  
Board of Zoning Appeals  
Town of Vienna, Virginia

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 2

 **Print**  
Water/Sewer Issues Follow-up

**BACKGROUND SUMMARY:**

This work session is a follow-up to the June 13, 2011 session where the consultants presented the Water/Sewer System Valuation Study and Capital Improvement Program drafts.

**OVERVIEW:**

Additional information was added to the Valuation Study based on Town Council input. A draft 5-year Capital Improvement Program project list has been prepared.

**SUMMARY/STAFF IMPRESSIONS:**

The calculated system sale price to just pay for existing debt is so high that staff believes the two adjacent water systems would not be interested in a purchase. Because the Town has no water production plant and must buy water no independent water operator would be interested in purchase.

**DOCUMENTS ATTACHED:**

No Attachments Available

**RECOMMENDATION:**

Staff recommends Town Council fund the proposed Water/Sewer CIP.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 3

 Print  
Indirect Cost Study Report

**BACKGROUND SUMMARY:**

Last fall, the Town Manager authorized Steve Jacobs from the consulting division of the Town's auditing firm to do an analysis of the cost of the services provided by General Fund to the Water and Sewer Fund. The study was based on FY 2009-2010 actual costs.

**OVERVIEW:**


As shown in the attached report summary, the cost of the services provided to the Water and Sewer Fund by the General Fund totaled \$1.6 million in FY 2000-2010. The actual transfer for that year was \$962,000 that by the current fiscal year has been reduced to \$850,000.

**SUMMARY/STAFF IMPRESSIONS:**

The study indicates the Water and Sewer Fund annual transfer to the General Fund is well within the amount justified by the cost of services provided by the latter.

Mr. Jacobs will be attending the meeting to present the full report and answer questions.

**DOCUMENTS ATTACHED:**

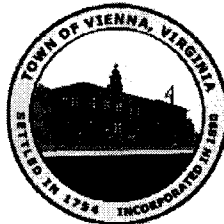
1.  [Vienna Cost Acctng Study 02 09 11.pdf](#)

**RECOMMENDATION:**

No action is required at this time.

**INDIRECT COST ALLOCATION STUDY  
ACTUAL COSTS FOR THE YEAR ENDED  
JUNE 30, 2010**

**TOWN OF VIENNA,  
VIRGINIA**



*Town of Vienna  
127 Center Street, South  
Vienna, Virginia 22180*

*Prepared By  
Robinson, Farmer, Cox Associates  
Richmond, Virginia*



*February 2011*

**TABLE OF CONTENTS  
TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY**

**SCHEDULE**

- A Introduction
- B Comparison of Allocation

**SUMMARY DATA**

- 1C Summary of Allocated Costs
- 2C Allocation Worksheet
- 1D Summary of Allocation Bases

**BUILDING DEPRECIATION**

- 1E Statement of Function and Benefit
- 2E Costs to be Allocated
- 3E Allocation of Costs

**EQUIPMENT DEPRECIATION**

- 1F Statement of Function and Benefit
- 2F Costs to be Allocated
- 3F Allocation of Costs

**TOWN MANAGER**

- 1G Statement of Function and Benefit
- 2G Costs to be Allocated
- 3G Allocation of Costs

**ADMINISTRATIVE SERVICES**

- 1H Statement of Function and Benefit
- 2H Costs to be Allocated
- 3H Allocation of Costs

**LEGAL SERVICES**

- 1I Statement of Function and Benefit
- 2I Costs to be Allocated
- 3I Allocation of Costs

**FINANCIAL ADMINISTRATION**

- 1J Statement of Function and Benefit
- 2J Costs to be Allocated
- 3J Allocation of Costs

**DISBURSEMENT OPERATIONS**

- 1K Statement of Function and Benefit
- 2K Costs to be Allocated
- 3K Allocation of Costs

**DATA PROCESSING**

- 1L Statement of Function and Benefit
- 2L Costs to be Allocated
- 3L Allocation of Costs

**RISK MANAGEMENT**

- 1M Statement of Function and Benefit
- 2M Costs to be Allocated
- 3M Allocation of Costs

**TABLE OF CONTENTS  
TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY**

**INFORMATION TECHNOLOGY**

- 1N Statement of Function and Benefit
- 2N Costs to be Allocated
- 3N Allocation of Costs

**PURCHASING**

- 1O Statement of Function and Benefit
- 2O Costs to be Allocated
- 3O Allocation of Costs

**REVENUE OPERATIONS**

- 1P Statement of Function and Benefit
- 2P Costs to be Allocated
- 3P Allocation of Costs

**PUBLIC INFORMATION**

- 1Q Statement of Function and Benefit
- 2Q Costs to be Allocated
- 3Q Allocation of Costs

**CENTRAL SERVICES**

- 1R Statement of Function and Benefit
- 2R Costs to be Allocated
- 3R Allocation of Costs

**PC REPLACEMENT**

- 1S Statement of Function and Benefit
- 2S Costs to be Allocated
- 3S Allocation of Costs

**PUBLIC WORKS ADMINISTRATION**

- 1T Statement of Function and Benefit
- 2T Costs to be Allocated
- 3T Allocation of Costs

**VEHICLE & EQUIPMENT MAINTENANCE**

- 1U Statement of Function and Benefit
- 2U Costs to be Allocated
- 3U Allocation of Costs

**BUILDINGS & GROUNDS**

- 1V Statement of Function and Benefit
- 2V Costs to be Allocated
- 3V Allocation of Costs

**INDEPENDENT AUDIT**

- 1W Statement of Function and Benefit
- 2W Costs to be Allocated
- 3W Allocation of Costs



**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE A – INTRODUCTION**

Programs and services provided by the Town usually require the expenditure of resources beyond those directly attributable to the program or service in the Town budget or financial reporting. These additional costs are considered indirect costs. An indirect cost is one that is incurred for the benefit of more than one program or objective and that cannot be readily or specifically identified with a particular program (e.g., overhead costs).

This report utilizes measurable means to distribute overhead costs to the various service delivery departments. The indirect cost analysis includes the following:

- The cost of direct or indirect services provided by the Town to each of its various departments or functions,
- The most accurate and reasonable basis of indirect cost allocation based upon: the service/beneficiary department relationships as they existed during the fiscal year, promulgated regulations and management's decisions, and
- Aggregation of financial and other data from the Town's records necessary to compute the allocations.

An Indirect Cost Allocation Study can provide the means for determining the "full cost" of a service provided by the Town and can, further, provide a reasonable and substantiated basis for charging various departments, functions and agencies for services provided.

**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE B – COMPARISON OF ALLOCATION**

The Town customarily charges certain functions for indirect costs incurred. Charges have primarily been based on experienced operational knowledge. This study provides a quantitative evaluation that is reflective of current service/beneficiary relationships, costs and management decisions. As an illustration, the following table, derived from this report, contrasts the calculated indirect costs of supporting the Town's Water and Sewer functions to the actual General Fund charge that was made in FY2010.

**Town of Vienna, Virginia**  
Indirect Cost Allocation Study  
*Costs For Fiscal Year Ended June 30, 2010*

**Comparison Of Calculated Indirect FY2010 Costs And  
FY2010 Water & Sewer Utilities Transfer To The General Fund**

Overhead Service Allocated	Overhead Function Total Cost Allocated (Cost Pool)	FY2010 Costs		Actual W & S Transfer To Town General Fund FY2010
		Calculated Costs Allocated To W & S Utilities		
		Indirect Cost Allocated - \$	% Of Pool	
Building Depreciation	\$ 450,612	\$ -		
Equipment Depreciation	\$ 495,339	\$ -		
Town Manager	\$ 573,555	\$ 67,163	11.71%	
Administrative Services	\$ 501,493	\$ 58,725	11.71%	
Legal Services	\$ 238,722	\$ 18,278	7.66%	
Financial Administration	\$ 897,117	\$ 401,101	44.71%	
Disbursement Operations	\$ 246,522	\$ 31,136	12.63%	
Data Processing	\$ 46,380	\$ 2,217	4.78%	
Risk Management	\$ 569,602	\$ 62,720	11.01%	
Information Technology	\$ 346,097	\$ -		
Purchasing	\$ 286,485	\$ 42,973	15.00%	
Revenue Operations	\$ 498,486	\$ 74,823	15.01%	
Public Information	\$ 244,020	\$ 28,575	11.71%	
Central Services	\$ 211,628	\$ 84,651	40.00%	
P C Replacement	\$ 78,324	\$ 1,989	2.54%	
Public Works Administration	\$ 1,285,546	\$ 514,218	40.00%	
Vehicle & Equipment Maint.	\$ 1,460,823	\$ 210,359	14.40%	
Buildings & Grounds	\$ 1,283,224	\$ -		
Audit	\$ 48,660	\$ 5,333	10.96%	
Total	\$ 9,762,635	\$ 1,604,261	16.43%	\$ 1,212,841

Calculated indirect costs to support Water and Sewer functions exceed the actual charge for these support services by \$ 391,420.

### Summary of Allocated Costs

Item # 3

**Schedule 2C**  
**Page 1**

[illegible]

**Schedule 2C**  
**Page 2**

[illegible]

~~Item # 3~~

**Schedule 2C**  
**Page 3**

[illegible]

## Schedule D

**Town of Vienna, Virginia**  
 Central Services Cost Allocation  
*Costs for Fiscal Year Ended June 30, 2010*

**Summary of Allocation Bases**

Department	Schedule	Basis of Allocation
Building Depreciation	E	Actual Cost & Sq Feet Occupied
Equipment Depreciation	F	Actual Cost
Town Manager	G	# of Employees
Administrative Services	H	# of Employees
Legal Services	I	Work Effort
Financial Administration	J	Employees Supervised
Disbursement Operations	K	Weighted # of AP & Payroll Checks
Data Processing	L	Service Calls and Terminals
Risk Management	M	# of Employees, Vehicles & Property Values
Information Technology	N	# Terminals & Service Calls
Purchasing	O	# of Purchase Orders Issued
Revenue Operations	P	Work Effort
Public Information	Q	# of Employees
Central Services	R	Work Effort & # Employees
P C Replacement	S	Actual Purchases
Public Works Administration	T	Estimated Effort & Employees Supervised
Vehicle & Equipment Maint.	U	# Vehicles & Equipment
Buildings & Grounds	V	Square Feet Occupied
Audit	W	# of checks AP & Payroll and POs

**TOWN OF VIENNA, VIRGINIA  
STATEMENT OF FUNCTION AND BENEFIT  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE 1E - BUILDING DEPRECIATION**

Building depreciation charges recorded in the Town's financial records are allocated to its various functions and based on occupied square feet.

**SCHEDULE 1F - EQUIPMENT DEPRECIATION**

Equipment depreciation charges recorded in the Town's financial records are reported for the several central service functions.

**SCHEDULE 1G - TOWN MANAGER**

The Town Manager's Office performs, supervises, directs, and advises on the work involved in providing services by all departments, functions and personnel in the Town service. Costs associated with this function have been allocated departmentally based on the number of full time employees.

**SCHEDULE 1H - ADMINISTRATIVE SERVICES**

Administrative Services performs all Human Resources functions for the Town and is assigned significant duties in the budget preparation process. Costs associated with this function have been allocated departmentally based on the number of full time employees.

**SCHEDULE 1I - LEGAL SERVICES**

The Town Attorney's office provides legal services to the Town Council, Town Manager and other Town departments. Costs for this central service have been allocated based on a review of expended effort by the legal staff of the Attorney's office.

**SCHEDULE 1J - FINANCIAL ADMINISTRATION**

The office of the Director of Finance provides oversight of all financial, accounting and payroll operations of the Town and is directly responsible for the management of several other functions including: Disbursement, Purchasing, Central Services and Revenue Operations. Costs have been allocated based on an analysis of work effort and on the number of personnel supervised.

**SCHEDULE 1K - DISBURSEMENT OPERATIONS**

Disbursement Operations performs all accounts payable and payroll functions for the Town. Costs have been allocated based on the number of accounts payable and payroll checks issued.

**SCHEDULE 1L - DATA PROCESSING**

Accumulated in this function are all Town costs for maintenance and service contracts for its electronic infrastructure. These costs are allocated based on the number of computers supported and service calls performed by the Information Technology function.

**SCHEDULE 1M - RISK MANAGEMENT**

This function aggregates the cost of insurance for all Town functions. Costs have been allocated based on the number of employees or property values as appropriate.



**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE 1N – INFORMATION TECHNOLOGY**

The Information Technology Department provided all oversight, support and service for the Towns computer infrastructure. Costs are allocated based on the number of computers supported and service calls performed.

**SCHEDULE 1O – PURCHASING**

This function provides procurement services for all Town departments. These costs are allocated based on the number of purchase orders issued.

**SCHEDULE 1P – REVENUE OPERATIONS**

This function is responsible for all tax, fee and other revenue collections for the Town. Direct allocations have been made based on analyzed work effort.

**SCHEDULE 1Q – PUBLIC INFORMATION**

The Public Information Office is responsible for all press releases and dissemination of information concerning Town functions and activities. The costs are allocated based on the number of employees.

**SCHEDULE 1R – CENTRAL SERVICES**

This function provided switchboard services and clerical accounting assistance. These costs are allocated departmentally based on the number employees.

**SCHEDULE 1S – PC REPLACEMENT**

Costs for replacement desktop and laptop computers are accumulated in this function. Costs are allocated to departments based on actual purchases.

**SCHEDULE 1T – PUBLIC WORKS ADMINISTRATION**

Public Works Administration provides management oversight for several activities of the Town. Costs are allocated to departments which fall under its jurisdiction based on number of employees supervised and analysis of required effort.

**SCHEDULE 1U –VEHICLE & EQUIPMENT MAINTENANCE**

This function provides repair and maintenance services for Town vehicles and heavy equipment. The costs are allocated based on the number of vehicles and pieces of equipment assigned to departments.

**SCHEDULE 1V – BUILDINGS & GROUNDS**

The Town provides facility and grounds management services to Town owned buildings, primarily Town Hall. These costs are allocated departmentally based on the number of square feet serviced.

**SCHEDULE 1W – INDEPENDENT AUDIT**

The Town's Financial Statements are audited annually as required by state statute. Audit costs have been allocated based on the number of accounting transactions per department.





**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Town Manager**

<b>Expenditure Per Annual Financial Report</b>	\$	<b>277,919</b>
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions	295,636	
Use Charge		
<b>Total Additions</b>	\$	<b>295,636</b>
<b>SUBTRACTIONS</b>		
Reimbursement		
<b>Total Subtractions</b>	\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>	\$	<b>573,555</b>
Basis Used For Allocating Cost: # Of Employees		

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Administrative Services**

Expenditure Per Annual Financial Report		\$	372,109
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			129,384
Use Charge			
Total Additions		\$	129,384
<b>SUBTRACTIONS</b>			
Reimbursement			
Total Subtractions		\$	
TOTAL COSTS TO BE ALLOCATED		\$	501,493
Basis Used For Allocating Cost: # Of Employees			



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Financial Administration**

Expenditure Per Annual Financial Report		\$	426,043
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			519,734
Use Charge			
Total Additions		\$	519,734
<b>SUBTRACTIONS</b>			
Audit Fee			48,660
Reimbursement			
Total Subtractions		\$	48,660
TOTAL COSTS TO BE ALLOCATED		\$	897,117
Basis Used For Allocating Cost: Employees Supervised			

Expenditure Per Annual Financial Report		\$	139,020
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			107,502
Use Charge			
Total Additions		\$	107,502
<b>SUBTRACTIONS</b>			
Reimbursement			
Total Subtractions		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	246,522
Basis Used For Allocating Cost: Weighted # Of Ap & Payroll Checks			



**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Data Processing**

<b>Expenditure Per Annual Financial Report</b>	\$	<b>43,940</b>
<hr/>		
<b>ADDITIONS</b>		
<hr/>		
Total Allocations From Central Service Functions		2,440
Use Charge		
<b>Total Additions</b>	\$	<b>2,440</b>
<hr/>		
<b>SUBTRACTIONS</b>		
<hr/>		
Reimbursement		
<b>Total Subtractions</b>	\$	
<hr/>		
<b>TOTAL COSTS TO BE ALLOCATED</b>	\$	<b>46,380</b>
<hr/>		
Basis Used For Allocating Cost: Service Calls And Terminals		

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Risk Management**

<b>Expenditure Per Annual Financial Report</b>	\$	<b>568,366</b>
<hr/>		
<b>ADDITIONS</b>		
<hr/>		
Total Allocations From Central Service Functions		1,236
Use Charge		
<b>Total Additions</b>	\$	<b>1,236</b>
<hr/>		
<b>SUBTRACTIONS</b>		
<hr/>		
Reimbursement		
<b>Total Subtractions</b>	\$	
<hr/>		
<b>TOTAL COSTS TO BE ALLOCATED</b>	\$	<b>569,602</b>
<hr/>		
Basis Used For Allocating Cost: # Of Employees, Vehicles & Property Values		









Expenditure Per Annual Financial Report		\$	147,537
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			64,091
Use Charge			
<b>Total Additions</b>		\$	64,091
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	211,628
Basis Used For Allocating Cost: Work Effort & # Empolyees			

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: P C Replacement**

<b>Expenditure Per Annual Financial Report</b>	\$	<b>77,851</b>
<hr/>		
<b>ADDITIONS</b>		
<hr/>		
Total Allocations From Central Service Functions		473
Use Charge		
<b>Total Additions</b>	\$	<b>473</b>
<hr/>		
<b>SUBTRACTIONS</b>		
<hr/>		
Reimbursement		
<b>Total Subtractions</b>	\$	
<hr/>		
<b>TOTAL COSTS TO BE ALLOCATED</b>	\$	<b>78,324</b>
<hr/>		
Basis Used For Allocating Cost: Actual Purchases		



Expenditure Per Annual Financial Report		\$	588,908
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions		696,638	
Use Charge			
Total Additions		\$	696,638
<b>SUBTRACTIONS</b>			
Reimbursement			
Total Subtractions		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	1,285,546
Basis Used For Allocating Cost: Estimated Effort & Employees Supervised			

**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Vehicle & Equipment Maint.**

Expenditure Per Annual Financial Report		\$	1,139,400
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions		321,423	
Use Charge			
<b>Total Additions</b>		\$	321,423
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	1,460,823
Basis Used For Allocating Cost: # Vehicles & Equipment			

**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Buildings & Grounds**

<b>Expenditure Per Annual Financial Report</b>	\$	<b>909,645</b>
<hr/>		
<b>ADDITIONS</b>		
<hr/>		
Total Allocations From Central Service Functions	373,579	
Use Charge		
<b>Total Additions</b>	\$	<b>373,579</b>
<hr/>		
<b>SUBTRACTIONS</b>		
<hr/>		
Reimbursement		
<b>Total Subtractions</b>	\$	
<hr/>		
<b>TOTAL COSTS TO BE ALLOCATED</b>	\$	<b>1,283,224</b>
<hr/>		
Basis Used For Allocating Cost: Square Feet Occupied		

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Audit**

Expenditure Per Annual Financial Report		\$	
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			
Use Charge			
From Financial Admin		48,660	
<b>Total Additions</b>		\$	<b>48,660</b>
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	<b>48,660</b>
Basis Used For Allocating Cost: # Of Checks Ap & Payroll And Pos			

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### Allocation Of Costs - Function: Equipment Depreciation

[illegible]

**Schedule 3G**[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Administrative Services**

[illegible]



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Legal Services**

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Financial Administration**

Department or Function	Direct Allocation \$	Indirect Allocation			Reimbursement \$	Total \$
		Allocation Units	Percent	Amount \$		
Building Depreciation						
Equipment Depreciation						
Town Manager						
Administrative Services						
Legal Services						
Financial Administration		3.000	27.91%	138,438		138,438
Disbursement Operations		1.625	15.12%	74,998		74,998
Data Processing						
Risk Management						
Information Technology						
Purchasing		1.625	15.12%	74,998		74,998
Revenue Operations		3.500	32.56%	161,503		161,503
Public Information						
Central Services		1.000	9.30%	46,129		46,129
P C Replacement						
Public Works Administration						
Vehicle & Equipment Maint.						
Buildings & Grounds						
Audit						
Public Safety						
Other Public Works						
Sanitation & Waste Removal						
Health & Welfare						
Parks Recreation & Cultural						
Community Development						
Water & Sewer Fund	401,101					401,101
General Government/Other			-0.01%	(50)		Item # 3 (50)
<b>Totals</b>	<b>401,101</b>	<b>10.750</b>	<b>100.00%</b>	<b>496,016</b>		<b>897,117</b>

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Data Processing**

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Risk Management**

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Information Technology**

[illegible]

**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Allocation Of Costs - Function: Purchasing**

Department or Function	Direct Allocation \$	Indirect Allocation			Reim- bursement \$	Total \$
		Allocation Units	Percent	Amount \$		
Building Depreciation						
Equipment Depreciation						
Town Manager		3	0.28%	682		682
Administrative Services		19	1.77%	4,310		4,310
Legal Services		8	0.75%	1,826		1,826
Financial Administration		3	0.28%	682		682
Disbursement Operations		16	1.49%	3,628		3,628
Data Processing		6	0.56%	1,364		1,364
Risk Management		2	0.19%	463		463
Information Technology		18	1.68%	4,091		4,091
Purchasing		4	0.37%	901		901
Revenue Operations		21	1.96%	4,773		4,773
Public Information		15	1.40%	3,409		3,409
Central Services		5	0.47%	1,145		1,145
P C Replacement						
Public Works Administration		26	2.43%	5,917		5,917
Vehicle & Equipment Maint.		129	12.04%	29,319		29,319
Buildings & Grounds		120	11.20%	27,273		27,273
Audit						
Public Safety		114	10.64%	25,910		25,910
Other Public Works		143	13.35%	32,509		32,509
Sanitation & Waste Removal		27	2.52%	6,137		6,137
Health & Welfare						
Parks Recreation & Cultural		254	23.72%	57,761		57,761
Community Development		12	1.12%	2,727		2,727
Water & Sewer Fund	42,973					42,973
General Government/Other		126	11.78%	28,685		28,685
<b>Totals</b>	<b>42,973</b>	<b>1,071</b>	<b>100.00%</b>	<b>243,512</b>		<b>286,485</b>

Item #28,685

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Revenue Operations**

Department or Function	Direct Allocation \$	Indirect Allocation			Reim-bursment \$	Total \$
		Allocation Units	Percent	Amount \$		
Building Depreciation						
Equipment Depreciation						
Town Manager						
Administrative Services						
Legal Services						
Financial Administration						
Disbursement Operations						
Data Processing						
Risk Management						
Information Technology						
Purchasing						
Revenue Operations						
Public Information						
Central Services						
P C Replacement						
Public Works Administration						
Vehicle & Equipment Maint.						
Buildings & Grounds						
Audit						
Public Safety						
Other Public Works						
Sanitation & Waste Removal						
Health & Welfare						
Parks Recreation & Cultural						
Community Development						
Water & Sewer Fund	74,823					74,823
General Government/Other	423,663					423,663
<b>Totals</b>	<b>498,486</b>		<b>100.00%</b>			<b>498,486</b>



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### Allocation Of Costs - Function: Public Information

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Central Services**

[illegible]

**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Allocation Of Costs - Function: P C Replacement**

Department or Function	Direct Allocation \$	Indirect Allocation			Reim- bursement \$	Total \$
		Allocation Units	Percent	Amount \$		
Building Depreciation						
Equipment Depreciation						
Town Manager						
Administrative Services						
Legal Services						
Financial Administration	2,984					2,984
Disbursement Operations						
Data Processing						
Risk Management						
Information Technology						
Purchasing						
Revenue Operations						
Public Information						
Central Services						
P C Replacement						
Public Works Administration						
Vehicle & Equipment Maint.						
Buildings & Grounds						
Audit						
Public Safety						
Other Public Works						
Sanitation & Waste Removal						
Health & Welfare						
Parks Recreation & Cultural						
Community Development						
Water & Sewer Fund	1,989					1,989
General Government/Other	73,350		100.00%	1		73,351
<b>Totals</b>	<b>78,323</b>		<b>100.00%</b>	<b>1</b>		<b>78,324</b>

Item #78,351  
78,324

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Allocation Of Costs - Function: Public Works Administration**[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Allocation Of Costs - Function: Vehicle & Equipment Maint.**

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Buildings & Grounds**

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Audit**

[illegible]

INDIRECT COST ALLOCATION STUDY  
ACTUAL COSTS FOR THE YEAR ENDED  
JUNE 30, 2010

TOWN OF VIENNA,  
VIRGINIA



*Town of Vienna  
127 Center Street, South  
Vienna, Virginia 22180*

*Prepared By  
Robinson, Farmer, Cox Associates  
Richmond, Virginia*



*February 2011*



**TABLE OF CONTENTS  
TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY**

**SCHEDULE**

- A Introduction
- B Comparison of Allocation

**SUMMARY DATA**

- 1C Summary of Allocated Costs
- 2C Allocation Worksheet
- 1D Summary of Allocation Bases

**BUILDING DEPRECIATION**

- 1E Statement of Function and Benefit
- 2E Costs to be Allocated
- 3E Allocation of Costs

**EQUIPMENT DEPRECIATION**

- 1F Statement of Function and Benefit
- 2F Costs to be Allocated
- 3F Allocation of Costs

**TOWN MANAGER**

- 1G Statement of Function and Benefit
- 2G Costs to be Allocated
- 3G Allocation of Costs

**ADMINISTRATIVE SERVICES**

- 1H Statement of Function and Benefit
- 2H Costs to be Allocated
- 3H Allocation of Costs

**LEGAL SERVICES**

- 1I Statement of Function and Benefit
- 2I Costs to be Allocated
- 3I Allocation of Costs

**FINANCIAL ADMINISTRATION**

- 1J Statement of Function and Benefit
- 2J Costs to be Allocated
- 3J Allocation of Costs

**DISBURSEMENT OPERATIONS**

- 1K Statement of Function and Benefit
- 2K Costs to be Allocated
- 3K Allocation of Costs

**DATA PROCESSING**

- 1L Statement of Function and Benefit
- 2L Costs to be Allocated
- 3L Allocation of Costs

**RISK MANAGEMENT**

- 1M Statement of Function and Benefit
- 2M Costs to be Allocated
- 3M Allocation of Costs

**TABLE OF CONTENTS  
TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY**

**INFORMATION TECHNOLOGY**

- 1N Statement of Function and Benefit
- 2N Costs to be Allocated
- 3N Allocation of Costs

**PURCHASING**

- 1O Statement of Function and Benefit
- 2O Costs to be Allocated
- 3O Allocation of Costs

**REVENUE OPERATIONS**

- 1P Statement of Function and Benefit
- 2P Costs to be Allocated
- 3P Allocation of Costs

**PUBLIC INFORMATION**

- 1Q Statement of Function and Benefit
- 2Q Costs to be Allocated
- 3Q Allocation of Costs

**CENTRAL SERVICES**

- 1R Statement of Function and Benefit
- 2R Costs to be Allocated
- 3R Allocation of Costs

**PC REPLACEMENT**

- 1S Statement of Function and Benefit
- 2S Costs to be Allocated
- 3S Allocation of Costs

**PUBLIC WORKS ADMINISTRATION**

- 1T Statement of Function and Benefit
- 2T Costs to be Allocated
- 3T Allocation of Costs

**VEHICLE & EQUIPMENT MAINTENANCE**

- 1U Statement of Function and Benefit
- 2U Costs to be Allocated
- 3U Allocation of Costs

**BUILDINGS & GROUNDS**

- 1V Statement of Function and Benefit
- 2V Costs to be Allocated
- 3V Allocation of Costs

**INDEPENDENT AUDIT**

- 1W Statement of Function and Benefit
- 2W Costs to be Allocated
- 3W Allocation of Costs

**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE A – INTRODUCTION**

Programs and services provided by the Town usually require the expenditure of resources beyond those directly attributable to the program or service in the Town budget or financial reporting. These additional costs are considered indirect costs. An indirect cost is one that is incurred for the benefit of more than one program or objective and that cannot be readily or specifically identified with a particular program (e.g., overhead costs).

This report utilizes measurable means to distribute overhead costs to the various service delivery departments. The indirect cost analysis includes the following:

- The cost of direct or indirect services provided by the Town to each of its various departments or functions,
- The most accurate and reasonable basis of indirect cost allocation based upon: the service/beneficiary department relationships as they existed during the fiscal year, promulgated regulations and management's decisions, and
- Aggregation of financial and other data from the Town's records necessary to compute the allocations.

An Indirect Cost Allocation Study can provide the means for determining the "full cost" of a service provided by the Town and can, further, provide a reasonable and substantiated basis for charging various departments, functions and agencies for services provided.

**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE B – COMPARISON OF ALLOCATION**

The Town customarily charges certain functions for indirect costs incurred. Charges have primarily been based on experienced operational knowledge. This study provides a quantitative evaluation that is reflective of current service/beneficiary relationships, costs and management decisions. As an illustration, the following table, derived from this report, contrasts the calculated indirect costs of supporting the Town's Water and Sewer functions to the actual General Fund charge that was made in FY2010.

**Town of Vienna, Virginia**  
Indirect Cost Allocation Study  
*Costs For Fiscal Year Ended June 30, 2010*

**Comparison Of Calculated Indirect FY2010 Costs And  
FY2010 Water & Sewer Utilities Transfer To The General Fund**

Overhead Service Allocated	Overhead Function Total Cost Allocated (Cost Pool)	FY2010 Costs		Actual W & S Transfer To Town General Fund FY2010
		Calculated Costs Allocated To W & S Utilities		
		Indirect Cost Allocated - \$	% Of Pool	
Building Depreciation	\$ 450,612	\$ -		
Equipment Depreciation	\$ 495,339	\$ -		
Town Manager	\$ 573,555	\$ 67,163	11.71%	
Administrative Services	\$ 501,493	\$ 58,725	11.71%	
Legal Services	\$ 238,722	\$ 18,278	7.66%	
Financial Administration	\$ 897,117	\$ 401,101	44.71%	
Disbursement Operations	\$ 246,522	\$ 31,136	12.63%	
Data Processing	\$ 46,380	\$ 2,217	4.78%	
Risk Management	\$ 569,602	\$ 62,720	11.01%	
Information Technology	\$ 346,097	\$ -		
Purchasing	\$ 286,485	\$ 42,973	15.00%	
Revenue Operations	\$ 498,486	\$ 74,823	15.01%	
Public Information	\$ 244,020	\$ 28,575	11.71%	
Central Services	\$ 211,628	\$ 84,651	40.00%	
P C Replacement	\$ 78,324	\$ 1,989	2.54%	
Public Works Administration	\$ 1,285,546	\$ 514,218	40.00%	
Vehicle & Equipment Maint.	\$ 1,460,823	\$ 210,359	14.40%	
Buildings & Grounds	\$ 1,283,224	\$ -		
Audit	\$ 48,660	\$ 5,333	10.96%	
Total	\$ 9,762,635	\$ 1,604,261	16.43%	\$ 1,212,841

Calculated indirect costs to support Water and Sewer functions exceed the actual charge for these support services by \$ 391,420.

### Summary of Allocated Costs

Department or Function	Cost Allocated
<b>Building Depreciation</b>	
<b>Equipment Depreciation</b>	
<b>Town Manager</b>	<b>295,636</b>
<b>Administrative Services</b>	<b>129,384</b>
<b>Legal Services</b>	<b>22,228</b>
<b>Financial Administration</b>	<b>519,734</b>
<b>Disbursement Operations</b>	<b>107,502</b>
<b>Data Processing</b>	<b>2,440</b>
<b>Risk Management</b>	<b>1,236</b>
<b>Information Technology</b>	<b>123,190</b>
<b>Purchasing</b>	<b>159,346</b>
<b>Revenue Operations</b>	<b>194,551</b>
<b>Public Information</b>	<b>78,418</b>
<b>Central Services</b>	<b>64,091</b>
<b>P C Replacement</b>	<b>473</b>
<b>Public Works Administration</b>	<b>696,638</b>
<b>Vehicle &amp; Equipment Maint.</b>	<b>321,423</b>
<b>Buildings &amp; Grounds</b>	<b>373,579</b>
<b>Audit</b>	
<b>Public Safety</b>	<b>1,315,635</b>
<b>Other Public Works</b>	<b>1,081,756</b>
<b>Sanitation &amp; Waste Removal</b>	<b>509,413</b>
<b>Health &amp; Welfare</b>	
<b>Parks Recreation &amp; Cultural</b>	<b>815,569</b>
<b>Community Development</b>	<b>358,656</b>
<b>Water &amp; Sewer Fund</b>	<b>1,604,261</b>
<b>General Government/Other</b>	<b>987,476</b>
<b>Total</b>	<b>9,762,635</b>

Schedule 2C  
Page 1[illegible]

### Summary of Costs Allocated By Central Service

[illegible]

Schedule 2C  
Page 3[illegible]



## Schedule D

**Town of Vienna, Virginia**  
 Central Services Cost Allocation  
*Costs for Fiscal Year Ended June 30, 2010*

**Summary of Allocation Bases**

Department	Schedule	Basis of Allocation
Building Depreciation	E	Actual Cost & Sq Feet Occupied
Equipment Depreciation	F	Actual Cost
Town Manager	G	# of Employees
Administrative Services	H	# of Employees
Legal Services	I	Work Effort
Financial Administration	J	Employees Supervised
Disbursement Operations	K	Weighted # of AP & Payroll Checks
Data Processing	L	Service Calls and Terminals
Risk Management	M	# of Employees, Vehicles & Property Values
Information Technology	N	# Terminals & Service Calls
Purchasing	O	# of Purchase Orders Issued
Revenue Operations	P	Work Effort
Public Information	Q	# of Employees
Central Services	R	Work Effort & # Employees
P C Replacement	S	Actual Purchases
Public Works Administration	T	Estimated Effort & Employees Supervised
Vehicle & Equipment Maint.	U	# Vehicles & Equipment
Buildings & Grounds	V	Square Feet Occupied
Audit	W	# of checks AP & Payroll and POs

**TOWN OF VIENNA, VIRGINIA  
STATEMENT OF FUNCTION AND BENEFIT  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE 1E - BUILDING DEPRECIATION**

Building depreciation charges recorded in the Town's financial records are allocated to its various functions and based on occupied square feet.

**SCHEDULE 1F - EQUIPMENT DEPRECIATION**

Equipment depreciation charges recorded in the Town's financial records are reported for the several central service functions.

**SCHEDULE 1G - TOWN MANAGER**

The Town Manager's Office performs, supervises, directs, and advises on the work involved in providing services by all departments, functions and personnel in the Town service. Costs associated with this function have been allocated departmentally based on the number of full time employees.

**SCHEDULE 1H - ADMINISTRATIVE SERVICES**

Administrative Services performs all Human Resources functions for the Town and is assigned significant duties in the budget preparation process. Costs associated with this function have been allocated departmentally based on the number of full time employees.

**SCHEDULE 1I - LEGAL SERVICES**

The Town Attorney's office provides legal services to the Town Council, Town Manager and other Town departments. Costs for this central service have been allocated based on a review of expended effort by the legal staff of the Attorney's office.

**SCHEDULE 1J - FINANCIAL ADMINISTRATION**

The office of the Director of Finance provides oversight of all financial, accounting and payroll operations of the Town and is directly responsible for the management of several other functions including: Disbursement, Purchasing, Central Services and Revenue Operations. Costs have been allocated based on an analysis of work effort and on the number of personnel supervised.

**SCHEDULE 1K - DISBURSEMENT OPERATIONS**

Disbursement Operations performs all accounts payable and payroll functions for the Town. Costs have been allocated based on the number of accounts payable and payroll checks issued.

**SCHEDULE 1L - DATA PROCESSING**

Accumulated in this function are all Town costs for maintenance and service contracts for its electronic infrastructure. These costs are allocated based on the number of computers supported and service calls performed by the Information Technology function.

**SCHEDULE 1M - RISK MANAGEMENT**

This function aggregates the cost of insurance for all Town functions. Costs have been allocated based on the number of employees or property values as appropriate.

**TOWN OF VIENNA, VIRGINIA  
INDIRECT COST ALLOCATION STUDY  
FOR THE YEAR ENDED JUNE 30, 2009**

**SCHEDULE 1N – INFORMATION TECHNOLOGY**

The Information Technology Department provided all oversight, support and service for the Town's computer infrastructure. Costs are allocated based on the number of computers supported and service calls performed.

**SCHEDULE 1O – PURCHASING**

This function provides procurement services for all Town departments. These costs are allocated based on the number of purchase orders issued.

**SCHEDULE 1P – REVENUE OPERATIONS**

This function is responsible for all tax, fee and other revenue collections for the Town. Direct allocations have been made based on analyzed work effort.

**SCHEDULE 1Q – PUBLIC INFORMATION**

The Public Information Office is responsible for all press releases and dissemination of information concerning Town functions and activities. The costs are allocated based on the number of employees.

**SCHEDULE 1R – CENTRAL SERVICES**

This function provided switchboard services and clerical accounting assistance. These costs are allocated departmentally based on the number of employees.

**SCHEDULE 1S – PC REPLACEMENT**

Costs for replacement desktop and laptop computers are accumulated in this function. Costs are allocated to departments based on actual purchases.

**SCHEDULE 1T – PUBLIC WORKS ADMINISTRATION**

Public Works Administration provides management oversight for several activities of the Town. Costs are allocated to departments which fall under its jurisdiction based on number of employees supervised and analysis of required effort.

**SCHEDULE 1U – VEHICLE & EQUIPMENT MAINTENANCE**

This function provides repair and maintenance services for Town vehicles and heavy equipment. The costs are allocated based on the number of vehicles and pieces of equipment assigned to departments.

**SCHEDULE 1V – BUILDINGS & GROUNDS**

The Town provides facility and grounds management services to Town owned buildings, primarily Town Hall. These costs are allocated departmentally based on the number of square feet serviced.

**SCHEDULE 1W – INDEPENDENT AUDIT**

The Town's Financial Statements are audited annually as required by state statute. Audit costs have been allocated based on the number of accounting transactions per department.

Expenditure Per Annual Financial Report		\$	
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			
Use Charge			
Depreciation		450,612	
<b>Total Additions</b>		<b>\$</b>	<b>450,612</b>
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		<b>\$</b>	
<b>TOTAL COSTS TO BE ALLOCATED</b>		<b>\$</b>	<b>450,612</b>
Basis Used For Allocating Cost: Actual Cost & Sq Feet Occupied			

[illegible]

Expenditure Per Annual Financial Report		\$	
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			
Use Charge			
Depreciation		495,339	
<b>Total Additions</b>		\$	<b>495,339</b>
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	<b>495,339</b>
Basis Used For Allocating Cost: Actual Cost			

[illegible]

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Town Manager**

Expenditure Per Annual Financial Report	\$	277,919
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions		295,636
Use Charge		
Total Additions	\$	295,636
<b>SUBTRACTIONS</b>		
Reimbursement		
Total Subtractions	\$	
TOTAL COSTS TO BE ALLOCATED	\$	573,555
Basis Used For Allocating Cost: # Of Employees		



[illegible]

Expenditure Per Annual Financial Report		\$	372,109
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			129,384
Use Charge			
<b>Total Additions</b>		\$	129,384
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	501,493
Basis Used For Allocating Cost: # Of Employees			

[illegible]

Expenditure Per Annual Financial Report		\$	216,494
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			22,228
Use Charge			
Total Additions		\$	22,228
<b>SUBTRACTIONS</b>			
Reimbursement			
Total Subtractions		\$	
TOTAL COSTS TO BE ALLOCATED		\$	238,722
Basis Used For Allocating Cost: Work Effort			

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### Allocation Of Costs - Function: Legal Services

[illegible]

Expenditure Per Annual Financial Report		\$	426,043
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			519,734
Use Charge			
<b>Total Additions</b>		\$	519,734
<b>SUBTRACTIONS</b>			
Audit Fee			48,660
Reimbursement			
<b>Total Subtractions</b>		\$	48,660
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	897,117
Basis Used For Allocating Cost: Employees Supervised			



**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Disbursement Operations**

Expenditure Per Annual Financial Report	\$	139,020
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions		107,502
Use Charge		
Total Additions	\$	107,502
<b>SUBTRACTIONS</b>		
Reimbursement		
Total Subtractions	\$	
TOTAL COSTS TO BE ALLOCATED	\$	246,522
Basis Used For Allocating Cost: Weighted # Of Ap & Payroll Checks		



[illegible]

Expenditure Per Annual Financial Report		\$	43,940
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			2,440
Use Charge			
<b>Total Additions</b>		\$	2,440
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	46,380
Basis Used For Allocating Cost: Service Calls And Terminals			

[illegible]

**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Risk Management**

Expenditure Per Annual Financial Report	\$	568,366
<hr/>		
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions		1,236
Use Charge		
Total Additions	\$	1,236
<hr/>		
<b>SUBTRACTIONS</b>		
Reimbursement		
Total Subtractions	\$	
<hr/>		
TOTAL COSTS TO BE ALLOCATED	\$	569,602
<hr/>		
Basis Used For Allocating Cost: # Of Employees, Vehicles & Property Values		



**Town of Vienna, Virginia**  
**CENTRAL SERVICES COST ALLOCATION PLAN**  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Information Technology**

Expenditure Per Annual Financial Report	\$	222,907
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions Use Charge		123,190
Total Additions	\$	123,190
<b>SUBTRACTIONS</b>		
Total Subtractions	\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		
	\$	346,097
Basis Used For Allocating Cost: # Terminals & Service Calls		

Department or Function	Direct Allocation	Indirect Allocation		Reimbursement	Total
	\$	Allocation Units	Percent	Amount \$	\$
Building Depreciation					
Equipment Depreciation					
Town Manager	8,237				8,237
Administrative Services	34,367				34,367
Legal Services	8,549				8,549
Financial Administration	10,764				10,764
Disbursement Operations	5,641				5,641
Data Processing					
Risk Management					
Information Technology	37,240				37,240
Purchasing	5,641				5,641
Revenue Operations	12,875				12,875
Public Information	7,095				7,095
Central Services	3,530				3,530
P C Replacement					
Public Works Administration					
Vehicle & Equipment Maint.					
Buildings & Grounds					
Audit					
Public Safety	128,471				128,471
Other Public Works					
Sanitation & Waste Removal					
Health & Welfare					
Parks Recreation & Cultural	42,362				42,362
Community Development	16,543				16,543
Water & Sewer Fund					
General Government/Other	24,781		100.00%	1	24,782
Totals	346,096		100.00%	1	346,097

Expenditure Per Annual Financial Report		\$	127,139
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			159,346
Use Charge			
<b>Total Additions</b>		\$	159,346
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	286,485
Basis Used For Allocating Cost: # Of Purchase Orders Issued			



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Purchasing**

[illegible]

Expenditure Per Annual Financial Report		\$	303,935
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			194,551
Use Charge			
<b>Total Additions</b>		\$	194,551
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	498,486
Basis Used For Allocating Cost: Work Effort			

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### **Allocation Of Costs - Function: Revenue Operations**

Department or Function	Direct Allocation \$	Indirect Allocation		Amount \$	Reimbursement \$	Total \$
		Allocation Units	Percent			
Building Depreciation						
Equipment Depreciation						
Town Manager						
Administrative Services						
Legal Services						
Financial Administration						
Disbursement Operations						
Data Processing						
Risk Management						
Information Technology						
Purchasing						
Revenue Operations						
Public Information						
Central Services						
P C Replacement						
Public Works Administration						
Vehicle & Equipment Maint.						
Buildings & Grounds						
Audit						
Public Safety						
Other Public Works						
Sanitation & Waste Removal						
Health & Welfare						
Parks Recreation & Cultural						
Community Development						
Water & Sewer Fund	74,823					74,823
General Government/Other	423,663		100.00%			423,663
Totals	498,486		100.00%			498,486

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: Public Information**

Expenditure Per Annual Financial Report	\$	165,602
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions		78,418
Use Charge		
Total Additions	\$	78,418
<b>SUBTRACTIONS</b>		
Reimbursement		
Total Subtractions	\$	
TOTAL COSTS TO BE ALLOCATED	\$	244,020
Basis Used For Allocating Cost: # Of Employees		

[illegible]

Expenditure Per Annual Financial Report		\$	147,537
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			64,091
Use Charge			
<b>Total Additions</b>		\$	64,091
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	211,628
Basis Used For Allocating Cost: Work Effort & # Employees			



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Costs To Be Allocated - Function: P C Replacement**

Expenditure Per Annual Financial Report	\$	77,851
<b>ADDITIONS</b>		
Total Allocations From Central Service Functions		473
Use Charge		
Total Additions	\$	473
<b>SUBTRACTIONS</b>		
Reimbursement		
Total Subtractions	\$	
TOTAL COSTS TO BE ALLOCATED	\$	78,324
Basis Used For Allocating Cost: Actual Purchases		



**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

### Allocation Of Costs - Function: P C Replacement

Department or Function	Direct Allocation \$	Indirect Allocation		Reimbursement \$	Total \$
		Allocation Units	Percent		
Building Depreciation					
Equipment Depreciation					
Town Manager					
Administrative Services					
Legal Services					
Financial Administration	2,984				2,984
Disbursement Operations					
Data Processing					
Risk Management					
Information Technology					
Purchasing					
Revenue Operations					
Public Information					
Central Services					
P C Replacement					
Public Works Administration					
Vehicle & Equipment Maint.					
Buildings & Grounds					
Audit					
Public Safety					
Other Public Works					
Sanitation & Waste Removal					
Health & Welfare					
Parks Recreation & Cultural					
Community Development					
Water & Sewer Fund	1,989				1,989
General Government/Other	73,350		100.00%	1	73,351
Totals	78,323		100.00%	1	78,324

Expenditure Per Annual Financial Report		\$	588,908
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			696,638
Use Charge			
<b>Total Additions</b>		\$	696,638
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	1,285,546
Basis Used For Allocating Cost: Estimated Effort & Employees Supervised			

**Town of Vienna, Virginia**  
CENTRAL SERVICES COST ALLOCATION PLAN  
*Costs for Fiscal Year Ended June 30, 2010*

**Allocation Of Costs - Function: Public Works Administration**

[illegible]

Expenditure Per Annual Financial Report		\$	1,139,400
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions		321,423	
Use Charge			
<b>Total Additions</b>		\$	321,423
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	1,460,823
Basis Used For Allocating Cost: # Vehicles & Equipment			



Expenditure Per Annual Financial Report		\$	909,645
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions		373,579	
Use Charge			
<b>Total Additions</b>		\$	373,579
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	1,283,224
Basis Used For Allocating Cost: Square Feet Occupied			

[illegible]


Expenditure Per Annual Financial Report		\$	
<b>ADDITIONS</b>			
Total Allocations From Central Service Functions			
Use Charge			
From Financial Admin		48,660	
<b>Total Additions</b>		\$	<b>48,660</b>
<b>SUBTRACTIONS</b>			
Reimbursement			
<b>Total Subtractions</b>		\$	
<b>TOTAL COSTS TO BE ALLOCATED</b>		\$	<b>48,660</b>
Basis Used For Allocating Cost: # Of Checks Ap & Payroll And Pos			





TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 4

 Print  
Water and Sewer Valuation Study: Final Report

**BACKGROUND SUMMARY:**

GHD was retained by Council last year to evaluate the Town's water and sewer system in regards to infrastructure condition and overall value for potential acquisition by another entity.

At a previous work session, a draft report and its findings were discussed with Council. The final report will be presented to Council at the September 19th work session.

**OVERVIEW:**


The valuation study's executive summary is attached and provides an excellent overview of the findings in regard to methodology, assets, condition, value, and future rates.

The consultants will be at the work session to present the final report and discuss the finding with Council.

**SUMMARY/STAFF IMPRESSIONS:**

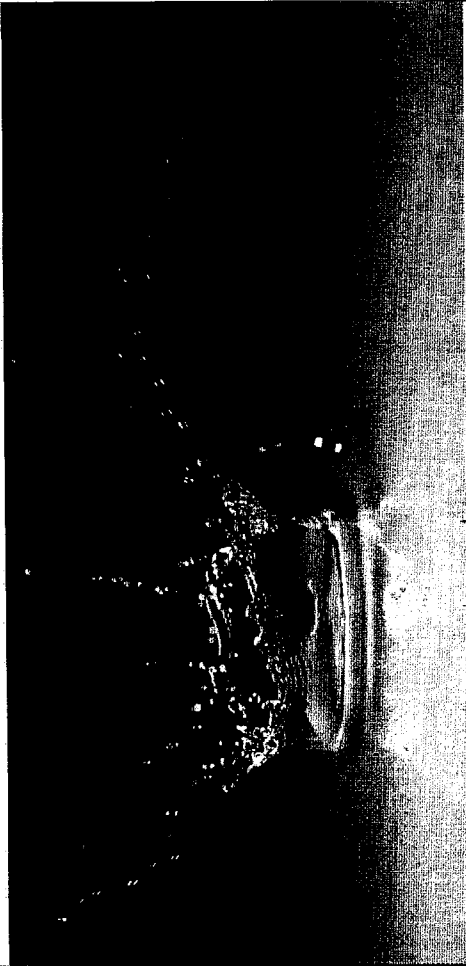
The valuation study provides much useful information for both immediate and longer term issues and decisions.

**DOCUMENTS ATTACHED:**

1.  [STH-KM421-F11091513470.pdf](#)

**RECOMMENDATION:**

N/A



**Town of Vienna, Virginia**  
**Water and Sanitary Sewer**  
**Systems Valuation Study**  
**September 2011**  
**FINAL REPORT**

Item # 4



This Water and Sanitary Sewer Systems Valuation Study ("Report"):

1. has been prepared by GHD Inc ("GHD") for Town of Vienna, Virginia;
2. may only be used and relied on by Town of Vienna, Virginia;
3. must not be copied to, used by, or relied on by any person other than Town of Vienna, Virginia without the prior written consent of GHD;
4. may only be used for the purpose of the high level valuation of the water and sanitary sewer systems of the Town of Vienna, Virginia (and must not be used for any other purpose).

GHD and its servants, employees and officers expressly disclaim responsibility to any person other than the Town of Vienna, Virginia arising from or in connection with this Report.

To the maximum extent permitted by law, all implied warranties and conditions in relation to the services provided by GHD and the Report are excluded unless they are expressly stated to apply in this Report.

The services undertaken by GHD in connection with preparing this Report:

- were limited to those specifically detailed in section 1 of this Report;
  - included field visits for visual inspections for two days of non-buried major assets;
- The opinions, conclusions and any recommendations in this Report are based on assumptions made by GHD when undertaking services and preparing the Report ("Assumptions"), including (but not limited to):
- the assumptions as stated in section 1 of this Report.

GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with any of the Assumptions being incorrect.

GHD has prepared this Report on the basis of information provided by Town of Vienna, Virginia, and United States Department of Agriculture which GHD has not independently verified or checked ("Unverified Information") beyond the agreed scope of work.

GHD expressly disclaims responsibility in connection with the Unverified Information, including (but not limited to) errors in, or omissions from, the Report, which were caused or contributed to by errors in, or omissions from, the Unverified Information.

If Town of Vienna, Virginia wishes to provide this Report to a third party recipient to use and rely upon, then GHD's prior written consent will be required. Before this Report is released to the third party recipient, the third party recipient will be required to execute a GHD prepared deed poll under which the recipient agrees:

- to acknowledge that the basis on which this Report may be relied upon is consistent with the principles in this section of the Report; and
- to the maximum extent permitted by law, GHD shall not have, and the recipient forever releases GHD from, any liability to the recipient for loss or damage howsoever in connection with, arising from or in respect of this Report whether such liability arises in contract, tort (including negligence),

Subject to the paragraphs in this section of the Report, the opinions, conclusions and any recommendations in this Report are based on conditions encountered and information reviewed at the time of preparation and may be relied on until June 30, 2013, after which time, GHD expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with those opinions, conclusions and any recommendations.



## Executive Summary

### Background

The Town of Vienna has requested that the following be performed for the Town's water and sanitary sewer system's facilities and infrastructure:

- An assessment of the current condition and remaining useful life of the Town's water and sanitary sewer system's facilities and infrastructure (the System),
- Identification of pertinent valuation methodologies,
- Calculation of valuations utilizing pertinent valuation methodologies, such as Depreciated Original Costs, Stream of Earnings, and Replacement Value,
- Determine option feasibility and comparative recommendations.

### Methodology

The methodologies employed focused on the two major tasks requested – 1) an asset condition and remaining useful life (Condition) study and 2) a valuation (Valuation) study. The approach taken for each is identified below:

#### Condition Methodology

The methodology for determining asset condition and remaining useful life consisted of the following steps:

- Utilizing GIS maps and asset tables we identified all of the assets in the system,
- Break histories and repairs were analyzed to determine asset condition using a 1 to 5 scale for each pipe segment and for each major above ground asset,
- Above ground assets were visually inspected,
- Utilizing information regarding materials of construction, asset condition scores and our knowledge of similar assets in the immediate area we developed life and capital cost estimates for a 20 year period.

#### Valuation Methodology

The methodology for the Valuation study consisted of identifying the pertinent valuation methodologies and applying them to the Town's system. These included original cost less depreciation (OCLD) referred to in the RFP as "book value", in place replacement cost (RC) as an initial step to arrive at the next valuation – replacement cost less depreciation (RCLD). Because the valuation is being performed in contemplation of a potential sale, we also performed stream of cash flow calculations (income-based) for potential buyers and, to arrive at a "hurdle value" (i.e., the minimum sale amount required by the Town to break even), did a form of Net income calculation for the Town. Because there is an investor owned utility (IOU) in the area, we also added a Rate Base calculation.

- We identified OCLD by starting with balance sheet net asset value (NAV) for 2010 and adjusting forward to 2011. We also inquired as to how much of the NAV consisted of donated assets.



- We calculated Rate Base by adjusting OCLD for working capital at 45 days of estimated FY 2011 O&M.
  - Utilized the detailed asset listing developed by the Condition study based on the Town's GIS and applied RS Means based cost models to arrive at a replacement cost (RC). In place. The resulting value was then adjusted for donated assets.
  - RCCLD was calculated by starting with adjusted replacement cost and in a stepwise fashion annually deducting a proportion of accumulated depreciation for the life of the asset.
- To perform a net income calculation for the Town of Vienna we performed the following:
- Identified the amount of the indirect cost transfer from the System to the Town's General Fund. This is the amount that the Town would lose if it sold the System.
  - Identified the number of hours that the System donated to the Town by providing services to such departments as Parks and Recreation.
  - Estimated the value of water used by the Town (for which it currently does not pay).
  - Adjusted the values for transfers from the Town's General Fund back to the utility from the Capital Fund and for annual utility losses (i.e. the difference between revenue and expenses).
  - Determined the Town's weighted average cost of capital based on the cost of debt and the five-year average yield from Virginia's Local Government Investment Pool as an equivalent to equity.
  - Discounted the resulting range of values by the calculated cost of capital for the Town.
- To perform a net income calculation for a potential purchaser we performed the following:
- Requested policy guidance from the Town to determine if they would require that a potential purchaser to hire existing Town System employees (an approach commonly taken in municipal utility sales and contract operations arrangements).
  - Calculated annual operations and maintenance costs and capital improvement costs that a buyer would incur over the next 20 years.
  - Applied investor owned utility (IOU) equivalent cost of capital through a review of cases heard by the Virginia State Corporation Commission (for a sale to an IOU).
  - Applied traditional discounted cash flow analysis technique to determine the rate increases necessary for an IOU to break even on a system purchase at OCLD.

#### Findings – Condition

The Town's assets consist of the following:

- 131 miles of water distribution piping,
- About 2,000 water valves,
- About 850 fire hydrants,
- 84 miles of sewer system piping,
- About 2,000 manholes,



- 3 water storage tanks and associated water booster stations.
- Vehicles and office supplies.

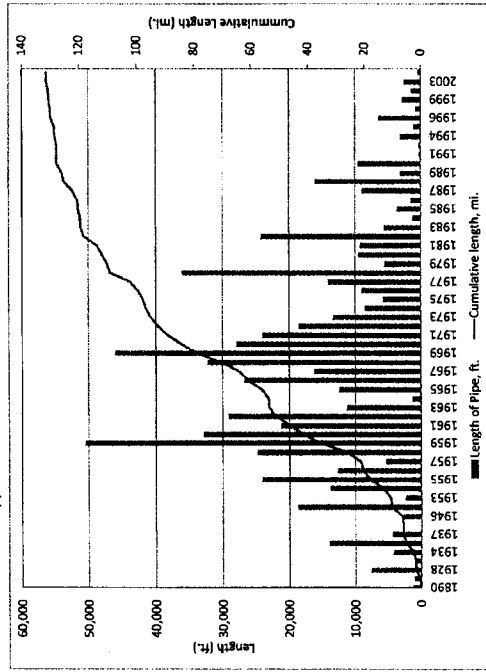


Figure E-1: Water distribution system installation per year for Town of Vienna, VA

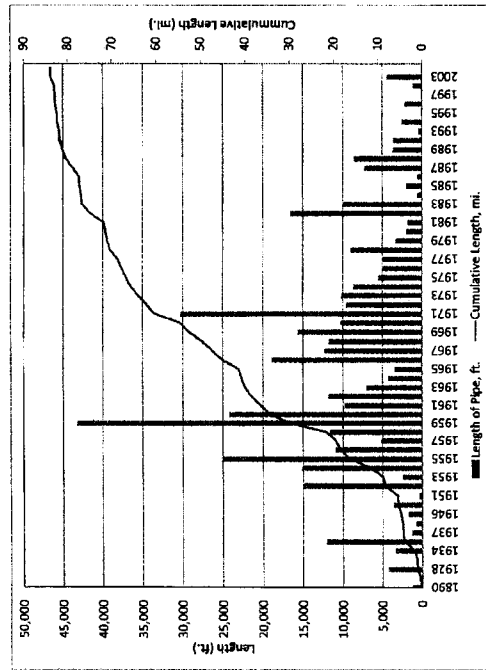


Figure E-2: Sanitary sewer pipe installation per year for Town of Vienna, VA

Table E-1: Water storage tanks and water booster pump station assets

System	Asset Group	Asset	Volume (gal)	Power (HP)	Flow Rate (gpm)	TDH (ft)	Install Date
Nulley Street Water Storage System	Tank	Tank	200,000	-	-	-	1964
	Booster Pumps	Pumps 1, 2	-	N/A	235	93	2009
Frederick Street Water Storage System	Tank	Tank	250,000	-	-	-	1957
	Booster Pumps	Pumps 1, 2	-	N/A	170	88	2009
Wall Street Water Storage System	Tank	Tank	1,000,000	-	-	-	-
	Booster Pumps	Pump 1	-	20	500	110	1997
		Pumps 2, 3, 4	-	60	1,500	110	1997

The overall condition of the assets is good based on break history, investments in the system and expectations based on materials of construction in this area. The following summarizes the condition of the System assets:

\* Total dynamic head measured in feet of water.





- Facilities such as the storage tanks and the water booster stations have been inspected visually and appear in good condition. Only rehabilitation work on these assets is anticipated in the 20 year planning period.
- Most of the water pipes are in good to fair condition with about 5 percent of the system demonstrating significant breaks over the last 5 years. Pipes currently in good to fair condition will move towards their replacement age over the next 20 years, due to the growth boom experienced after World War II and the manufacturing techniques of the pipes and materials used in this era.

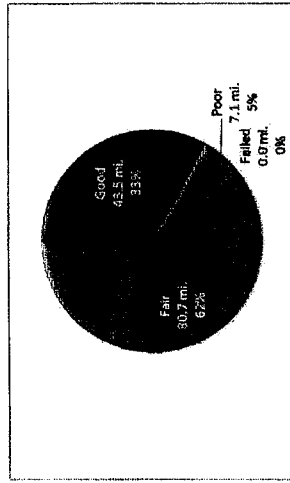


Figure E-3: Distribution of Town of Vienna's water mains per lengths in miles by condition

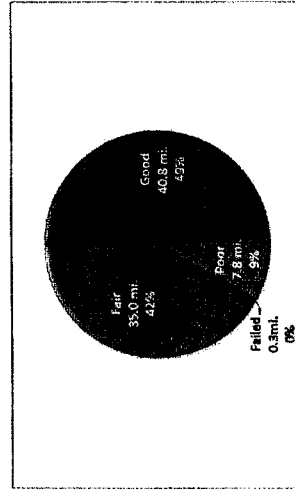


Figure E-4: Distribution of Town of Vienna's Sanitary Sewer Pipe per lengths in miles by condition  
Based on the condition and age of the assets the Capital Improvement costs for the next 20 years are presented in the following table.



Table E-2: The 20-year Renewal Investment Outlook for Water and Sewer Systems (\$Thousands)

RENEWAL INVESTMENT OUTLOOK	Year																				TOTAL
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
Recommended Water Replacement	\$800	\$900	\$1,000	\$1,100	\$1,200	\$1,300	\$1,400	\$1,500	\$1,600	\$1,700	\$1,800	\$1,900	\$2,000	\$2,100	\$2,200	\$2,300	\$2,400	\$2,500	\$2,600	\$2,700	\$26,000
Averaged Sewer Replacement	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$425	\$4,250
Facilities Replacement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL REPLACEMENT	\$1,225	\$1,325	\$1,425	\$1,525	\$1,625	\$1,725	\$1,825	\$1,925	\$2,025	\$2,125	\$2,225	\$2,325	\$2,425	\$2,525	\$2,625	\$2,725	\$2,825	\$2,925	\$3,025	\$3,125	\$43,500
Water Rehabilitation (Averaged)	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$370	\$7,400
Sewer Rehabilitation (Averaged)	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$135	\$1,350
Facility Rehabilitation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL REHABILITATION	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$505	\$1,700
ANNUAL INVESTMENT	\$1,730	\$1,830	\$1,930	\$2,030	\$2,130	\$2,230	\$2,330	\$2,430	\$2,530	\$2,630	\$2,730	\$2,830	\$2,930	\$3,030	\$3,130	\$3,230	\$3,330	\$3,430	\$3,530	\$3,630	\$55,200

Town of Vienna  
Water and Sanitary Sewer Systems Valuation

vi  
September 2011



#### Findings – Valuation

- The indirect cost payment transferred from the System to the Town's General Fund was determined to range from \$800,000 to \$1,000,000.
- For the last six months of 2010, the System donated 250 – 500 man hours to various Town departments. Extrapolated to a full year, the System provided approximately ¼ of a full time employee (FTE) to other Departments.
- Based on experiences in other municipalities we estimate that the Town accounts for 1-3% of the System demand.
- Approximately 24.1% of the System's assets have been donated or contributed to the Town.
- Outside of contributions the Town has no assets that were acquired through grants or other forms of contribution.
- The weighted average cost of debt for the water and sewer system is approximately 4.427%.
- The Town has unused wastewater treatment capacity at Blue Plains and has received inquiries in the past regarding a possible purchase by other entities. The old Intermunicipal Agreement (IMA) has a costing methodology that would determine the price in such a sale. The IMA is being update and, currently, there is a wide range of values – between \$2 and \$20 per gallon per day of capacity.
- Motivated buyers are those likely to have access to low cost treated water, are contiguous or very close, and/or are able to leverage the countercyclical demands of water and sewer field work.

#### Conclusions - Condition

Overall, the System assets are in good condition, especially considering the overall asset age and investment. Other conclusions:

- The System should invest approximately \$2M per year for the near term (6 years) to rehabilitate or replace the assets that reach the end of their useful lives.

#### Conclusions – Valuation

- In order to break even, the Town would need to receive at least \$15.5 million for the System in a sale to make up for the loss of indirect cost payments, services and free water provided by the System. The Town might be able to negotiate a sale with the condition that it would continue to receive free water, but that should be expected to lower the price that the Town would receive.
- A sale to an IOU would likely result in a revenue increase for Town residents of 8.98%. To keep rates at their current level, the IOU would need to obtain treated water at a 33.5% reduction from the price the Town is currently paying.
- A municipal buyer would also have to be able to provide treated water at a lower cost than the Town is currently paying to maintain existing rates.
- The Town has value in unneeded capacity at Blue Plains. Until the new IMA being negotiated is complete, that value cannot be determined. Also, with the current depressed levels of usage it is not expected that motivated buyers exist at this time. If the Town negotiates a sale, it should try to avoid including excess capacity at Blue Plains unless it adds a substantial premium to the price.




#### Recommendations

We provide recommendations that vary with the motivation for considering a potential sale of the system:

- If the concern is that the System, after having been underfunded for many years, is prepared to cost more money and raise the already high rates, that does not appear to be a cause for concern. The Town and System should focus on maintaining a proper level of investment in the System and work on leveling out capital expenditures to eliminate rate spikes.
- If the interest is due to the possibility that a neighboring utility would be willing to pay a premium to acquire the system, it does not appear to be likely unless the candidate buyer has access to extremely low cost water. As a guide to future actions by the Town, we have included a list of neighboring utilities as well as identifying the characteristics of utilities for which a sale would be most advantageous.
- If there is a concern about rates being high, there are other alternatives that the Town can pursue to remedy that situation – review the system of rates, fees and charges to see if any services are being provided free or at less than cost, investigate selective contracting out, perform an efficiency study and similar actions.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 5

 Print  
Water/Sewer CIP Study Follow-up

**BACKGROUND SUMMARY:**

Wiley/Wilson has provided the Town with a 5-year Capital Improvement Plan with their system inventory submission. Projects are prioritized based on their repair history, age and material.


**OVERVIEW:**

Wiley/Wilson performed an extensive review of the Town's records for all segments of water main, sewer main, manholes, water tanks & pump stations, and associated facilities to arrive at a logical plan for preventative maintenance following national guidelines.

**SUMMARY/STAFF IMPRESSIONS:**

If Town Council decides to provide funds, the priority list provided is a very good basis to begin repairs.

**DOCUMENTS ATTACHED:**

1.  Copy of Water Sewer proposed CIP 9-15-11.xls

**RECOMMENDATION:**

Accept the Wiley/Wilson submittal and fund the associated CIP.

<b>Appendix C– Capital Improvement Program (Proposed)</b>						
<b>Capital Project</b>	<b>Funding (\$000's)</b>					
	<b>FY 2012*</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017- FY 2021</b>
Water Main Replacement	385	1,000	1,000	1,000	1,000	5,000
Water Main Lining	0	75	75	75	75	375
Pipe Leak Detection & Condition Assessment Technology		25				100
Water Booster Pump Removal			10			
Water Storage Tank Maintenance		5	5	5	5	65
SCADA	75	75	75			
Security Upgrades			30	10	10	
Sanitary Sewer Replacement & Rehabilitation		100	100	100	100	500
Commercial Sewer FOG Study		30				
<b>Total</b>	<b>460</b>	<b>1,310</b>	<b>1,295</b>	<b>1,190</b>	<b>1,190</b>	<b>6,040</b>
<b>Adjusted Total @ 3% Annual Inflation</b>	<b>460</b>	<b>1,350</b>	<b>1,375</b>	<b>1,300</b>	<b>1,340</b>	<b>7,430</b>

*\*Represents projects funded through unspent funds from previous bond issues.*

**Appendix C- Capital Improvement Program (Proposed) year**

Capital Project	Funding (\$000's)
	FY 2012*
Water Main Replacement	385
	Ware Street SW - Pekay to Walker
	Courthouse Rd SW - Plum to Courthouse Circle
	St Romans pipe stem replacements
Water Main Lining	
	Glen Avenue SW - Courthouse to Wade Hampton
SCADA	75
	Wall Street tank & monitor software

**Appendix C– Capital Improvement Program**

Capital Project	Funding (\$000's)
	FY 2013
Water Main Replacement	1,000
	Walker Street SW - Drake to Walker Circle
	Ware Street SW - Tapawingo to Kibler
	DeSale Street SW - Moore to Elmar
	Glyndon Street SE - Manville to Talahi
	Bowdoin Circle
Water Main Lining	75
	Orrin Street SE - Delano to Follin
	Scarab Street
	Westwood Terrace
Pipe Leak Detection & Condition Assessment Technology	25
	Purchase equipment
Water Storage Tank Maintenance	5
	Painting
SCADA	75
	Outfit Frederick and Nutley tanks
Sanitary Sewer Replacement & Rehabilitation	100
	Maple Avenue East - Mill to Glyndon
	Maple Avenue West - Lawyers to Pleasant
	Maple Avenue West - Nutley to James Madison
	FAIRWAY DR NE
	HOLMES DR NW
	MILL ST NE
Commercial Sewer FOG Study	30
	Consultant study to determine solutions



**Appendix C– Capital Improvement Program**

Capital Project	Funding (\$000's)
	FY 2014
Water Main Replacement	1,000
	9500 Bk Broome Court
	9300 Bk Arabian Avenue
	1800 Bk Saint Roman Drive
	8800 Bk Higdon Drive
	900 Bk Country Club Drive NE
	1700 Bk Burning Tree Lane
	100 & 200 Bk Windover Avenue NW
	2200 & 2200 Bk Loch Lomond Drive
	9600 Bk Podium Drive
Water Main Lining	75
	2100 Bk Statute Lane
	400 Victoria Court NW
	600 Upham Place NW
	9600 Bk Counsellor Drive
Water Booster Pump Removal	10
Water Storage Tank Maintenance	5
	Painting
SCADA	75
	Interconnect to Falls Church supply valves
Security Upgrades	30
	Fence & camera at Wall Street tank
Sanitary Sewer Replacement & Rehabilitation	100
	MAPLE AVE E
	FAIRWAY DR NE
	CHURCH ST NE

**Appendix C– Capital Improvement Program**

Capital Project	Funding (\$000's)
	FY 2015
Water Main Replacement	1,000
	2000 Bk Cantata Court
	300 Bk John Marshall Drive NE
	600 Bk John Marshall Drive NE
	300 Bk Dominion Street NE
	100 Bk Sharon Lane NW
	300 Bk Branch Circle SE
	400 Bk Glyndon Street NE
	2500 Bk Rambling Road
	400 Bk West Street NW
	100 Bk Wade Hampton Drive SW
	500 Highland Street SW
Water Main Lining	75
	700 Bk Glyndon Street SE
	100 Bk Tapawingo Road SE
	700 Bk Plum Street SW
Water Storage Tank Maintenance	5
	Painting
Security Upgrades	10
	Camera at Nutley tank
Sanitary Sewer Replacement & Rehabilitation	100
	PLEASANT ST NW
	MAPLE AV W
	ROLAND ST SW
	PLUM ST SW

**Appendix C– Capital Improvement Program**

Capital Project	Funding (\$000's)
	FY 2016
Water Main Replacement	1,000
	400 Bk Courthouse Road SW
	500 Bk Stephen Circle SE
	900 Bk Echols Street SE
	200 Bk McHenry Street SE
	100 Bk Yeonas Drive SE
	600 Bk Truman Circle SW
	8300 Bk Syracuse Circle
	8300 Bk Carnegie Drive
Water Main Lining	75
	200 Bk Cedar Lane SW
	1700 Bk Hicks Drive
	9600 Bk Percussion Way
	1800 Bk Prelude Drive
Water Storage Tank Maintenance	5
	Painting
Security Upgrades	10
	Camera at Frederick tank
Sanitary Sewer Replacement & Rehabilitation	100
	COTTAGE SW
	LAWYERS NW
	PARK ST NE
	HOLMES DR NW

### **Water Pipes**

Priority	LF of Pipe	Replacement Cost	Cumulative Cost
1A	1,778	\$449,816	\$449,816
1B	0	\$0	\$449,816
2A	13,814	\$3,494,884	\$3,944,699
2B	81	\$20,593	\$3,965,292
3A	65,847	\$16,659,314	\$20,624,606
3B	1,366	\$345,631	\$20,970,236
4	1,276	\$322,783	\$21,293,019
5	609,736	\$154,263,287	\$175,556,307

### **Annual Analysis**

Year	Annual Budget	Priority	Priority Cost
1	\$1,000,000	1A	449,816
		2A	550,184
2	\$1,000,000	2A	1,000,000
3	\$1,000,000	2A	1,000,000
4	\$1,000,000	2A	944,699
		2B	20,593
		3A	34,708
5	\$1,000,000	3A	1,000,000

### Sewer Pipes

Priority	LF of Pipe	Replacement Cost	Relining Cost	Cumulative Cost**
1	3,960	\$594,029	\$178,209	\$386,119
2	3,740	\$560,952	\$168,286	\$750,738
3	23,256	\$3,488,464	\$1,046,539	\$3,018,240
4	411,944	\$61,791,533	\$18,537,460	\$43,182,736


\*\*Cumulative Cost is calculated assuming half of the pipes will be replaced and half will be relined.

### Annual Analysis

Year	Annual Budget	Priority	Priority Cost
1	\$100,000	1	100,000
2	\$100,000	1	100,000
3	\$100,000	1	100,000
4	\$100,000	1	86,119
		2	13,881
5	\$100,000	2	100,000

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 6

 **Print**  
Estimated Water and Sewer Rate Impacts

**BACKGROUND SUMMARY:**

Several issues in water and sewer operational costs have been coming into focus during the last several months to the extent that we've been able to estimate their potential impact on the Town's water and sewer rates.

**OVERVIEW:**

1. Increase in DCWater sewage treatment rates from \$1,890 to \$3,880 per million gallons.  
Required TOV sewer rate increase: 49 cents

2. Funding the estimated DCWater old unbilled sewage treatment charges:  
Required TOV sewer rate increase: 10 cents

3. Equalizing In-Town and Out-of-Town water rates:  
Require TOV water rate increase: 18 cents

4. Increasing the Water and Sewer Fund's liquidity from 9 to 25 percent:  
Water rate increase - 11 cents Sewer rate increase: - 16 cents

**SUMMARY/STAFF IMPRESSIONS:**

The impact of these rate changes on the "average" residential quarterly bill would be an increase of \$19.76 or 10.4 percent. Actual recommended increases would depend of course on several factors such as changes in annual water usage, rate structure, and the timing of such recommendations.

**DOCUMENTS ATTACHED:**

No Attachments Available

**RECOMMENDATION:**

The " how much, if, and when" of these estimated rate changes will be addressed as part of mid-year adjustments, the FY 2012-2013 budget, and eventually Council's decisions on the future of the Town's water and sewer operations.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO.

7

 **Print**

Filling vacant Water/Sewer Division position

**BACKGROUND SUMMARY:**

After a program review, it is time to fill a vacant Sewer Division Maintenance Worker II position.

**OVERVIEW:**

The Public Works Department intentionally did not recruit one Maintenance Worker II position to allow time for the new Director and Town Manager to review workloads and work assignments. The review is complete and the position should be filled.

In addition, we are considering whether the Town should mark our water and sewer lines with a Town employee.

**SUMMARY/STAFF IMPRESSIONS:**

The Town spends approximately \$80,000 with a utility marking company to fulfill our obligations as a utility operator under the Virginia Underground Utilities Damage Prevention Act. We are performing a review to determine if it is possible to have a Town employee do this work and save the Town money plus give existing staff a higher level technical position to aspire to. There is a vacant part-time position that could be reallocated.

**DOCUMENTS ATTACHED:**


No Attachments Available

**RECOMMENDATION:**

We plan to begin recruitment for the Maintenance Worker II position immediately. We anticipate we will have finished our investigation of a utility marking position by December.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

ITEM NO. 8

 **Print**  
Position Reclassification Request

**BACKGROUND SUMMARY:**

The Public Works Department currently has two Civil Engineer positions. One of those is vacant as it was previously held by the new Director of Public Works, Dennis Johnson. As part of the new organizational plan of the department, it is being requested that this position be reclassified to Deputy Public Works Director.

**OVERVIEW:**

The Public Works Department is the largest Town department with a wide range of service delivery, construction management, transportation and environmental planning responsibilities. A deputy director would be able to focus on and be responsible for major program areas like solid waste and watershed management. A deputy would be authorized to act for the Director during emergencies. This can be achieved by reclassifying the vacant Civil Engineer position. If Council approves of this change, the Director of Administrative Services will work with the Public Works Director and the Archer Company to prepare the job description and have the new position reclassified onto the Town's pay plan. This would be the reclassification of an existing position and not the addition of staff.

Once the reclassification process has been completed, it will then be placed on a Town Council agenda for approval so that the pay plan can be amended. Once so authorized, the Town staff would then initiate the recruitment process to fill the position as Deputy Director of Public Works.

**SUMMARY/STAFF IMPRESSIONS:**

**DOCUMENTS ATTACHED:**

No Attachments Available

**RECOMMENDATION:**

Authorized the staff to proceed with the reclassification efforts and for it to be placed on a future Council Agenda for formal approval.



TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

 Print

Sewer Backup Insurance

ITEM NO. 9

**BACKGROUND SUMMARY:**

The Town of Vienna has through its insurance coverage with VML Insurance Programs a \$10,000 no fault policy. This is the policy that the Town uses in the event of sewer back-ups to provide assistance to parties affected by sewer backups. The claim is processed just like any other type of incident (i.e., auto accident) and is adjusted by VML. The no fault policies covers the costs of clean up and sanitizing efforts plus other related damages up to \$10,000.

**OVERVIEW:**

**Current Town Activities**

- a. The Town's safety manual contains the specifics of the Town's response to sewer backups. An excerpt of that section plus the related forms is attached.
- b. Once a year, a notice regarding the availability of sewer backup insurance is run in the Town newsletter.
- c. The same notice is also housed on the Town's website at [http://www.viennava.gov/Town\\_Departments/backup\\_ins.htm](http://www.viennava.gov/Town_Departments/backup_ins.htm). A guide to preventing sewer backups is also located on that same web page.
- d. Water bills sent in October, November and December of each year also contain a reminder to buy sewer backup insurance.
- e. Information on sewer backup prevention and insurance is contained on pages 34 and 35 of the Town's Newcomer Guide. <http://www.viennava.gov/NewcomerInfo/NewcomersGuide.pdf>

**Sewer Backup Insurance**

- a. All homeowners, renters and businesses can purchase sewer backup insurance. This is part of the application process and, per the State Insurance Commission, is standard business practice to offer.
- i. In the event the homeowner has sewer backup insurance, their policy would pay first as primary.
- ii. The homeowner's insurance company could then subrogate against the Town of Vienna/VML insurance for reimbursement of the claim's amount. Any payment made by VML on behalf of the Town would be for an amount up to \$10,000, the limit of our no fault policy. Homeowners policies are typically replacement cost (policyholder's option) while the Town's policy is depreciated value.
- b. Coverage typically adds \$30-\$50 annually to the cost of the policy, depending upon the dollar level of coverage selected.
- c. At renewal, a notice of the availability of sewer backup insurance is also provided to policy holders.
- d. Also, Dominion Products and Services, Inc., a service of Dominion Virginia Power, offers its customers a number of home warranty services, including water line replacement and sewer line repair, for a monthly fee. For information, visit the Dominion Virginia

Chronic problem areas where grease, debris, roots, etc. have caused back-ups should be identified. These areas will be cleaned twice a year for the first year and if there are no further problems, they will be cleaned once the second year and return to the normal schedule the third year. Management and field supervisors should meet periodically to develop action plans to prevent recurring back-up problems.

2. Based on manpower, size of system and capability of equipment, establish an overall goal of cleaning the entire system within a certain time frame, such as, every 3, 4, or 5 years. A combination of mapping, color-coding, videotape, and documentation of complaints will be utilized to prioritize needs for preventative maintenance and future upgrades.
3. As with cleaning schedule, an inspection schedule should also be developed to insure that all parts of the system are inspected within an appropriate time frame.

**B. Preparing to Respond**

1. Designate one or more crews to pro-actively provide (1) routine inspections in accordance with established inspection schedule and (2) provide jetting, rodding and repairs, also in accordance with established schedule. Make sure that these crews have proper equipment and training with regard to their specific tasks.

**C. Reducing Exposures**

1. Twice each year, the Public Information Officer will include in the Town newsletter information on the availability of sewer backup insurance for homeowners. In addition, this information will be posted on the Town web site and updated as needed.
2. The Town will also make available to citizens the *Preventing Sewage Backups* brochure. This will be available as a handout as well as be included in the Town's welcome package for new citizens.

**E. Containment**

**A. Receiving the Call**

1. During normal working hours, all calls are to be routed to the Administrative Office of the Public Works Department. Gather all available facts/determine the following: location, name of caller, phone number, time, date, nature of problem, what has been done so far, what people or property are at risk, etc. Show sympathy but remain calm and professional.
2. If the event occurs during normal working hours, the Water and Sewer Supervisor is to be notified so he can immediately respond to the location. After hours, the emergency duty person is to be contacted to respond to the scene. The duty person will assess the scene and then contact the appropriate on-call team for further

assistance, if necessary. On normal work days, the Administrative Services office is also to be notified of the event. Otherwise, contact that office upon the start of the next regularly scheduled work day.

B. Field Response

1. All actions by the response team must be documented, showing the date, time and specific action taken during the initial response and subsequent follow-up visits. The team leader is responsible for completing the department's investigation report.
2. The initial response will vary greatly depending on the equipment available and the facts of the situation. Meet the caller/user and tell them what you will be inspecting (always be calm and professional). Prior to entering the property, the caller must sign the **Permission to Enter and Non-Waiver Defenses Agreement (SB-1)**. One copy is for the caller and the other is to be returned to the Administrative Services Department. Show respect for the home and sympathy for the people. Inspect the back-up area and take steps to protect people and property that may be at immediate risk.
3. Take all necessary steps as required to determine the cause of the problem. Take photos or video to document the actual situation – nature, extent, location and possible source/cause of the back-up; again, the exact steps will vary for each situation. Check the flow in manholes above and below the back-up location and document findings. Televis the main lines to find the problem. Record on videotape and report.
4. If the source of the problem is in the customer's lateral line, clearly explain what they need to do to repair the problem. Confirm to the users that **THEY** need to arrange for clean up and clearing of lateral lines out to the street or to the main as determined.
5. If it is determined that the sewer main is blocked, quickly arrange for the repair and/or correction of the problem. If possible, provide assistance and advice to the user with regard to clearing the lateral lines. **DO NOT ACCEPT RESPONSIBILITY FOR THE BACK-UP OR PROPERTY DAMAGE.** Explain that the Town's insurance provider will make final determination regarding responsibility for cost of repairs/clean-up.
6. If the main sewer line is blocked, the Town will provide basic cleanup services to the affected areas. The users are to be given the Sewer Backup Information Form (SB-2) that indicates the provision of these services does not in any way mean that the Town assumes responsibility for the event. The user must sign and return one copy of the letter that is then returned to the Administrative Services office. A copy of the sewer back-up information handout is also to be provided.
7. If during normal working hours, the supervisor or lead worker then contacts the Administrative Services Office which then makes arrangements for the cleaning services. If during other hours, the supervisor or lead worker directly contacts the

cleaning services and notifies the Administrative Services office of the event on the morning of the next regular work day.

8. Inform users that no matter how diligent the Town is, a risk of back-ups always exists.
9. Record pertinent information on the work order. Submit a copy to the Public Works Administration Office as well as the Administrative Services Office. Also forward any other documents to the Administrative Services Office that relate to the resolution of the insurance claim against the Town. Complete the Investigation Report (SB-3) as well as the Overflow Report (SB-4).
10. In the event that the affected user wishes to file a claim against the Town, they are to be directed to the Administrative Services Office. That office will handle the claim and coordinate the submission of documents to the insurance provider.

**7.9 APPLICABLE DOCUMENTS**

- A. Permission to Enter Form (SB-1)
- B. Sewer Backup Information Form (SB-2)
- C. Investigation Report Form (SB-3)
- D. Overflow Report (SB-4)

**PERMISSION TO ENTER PREMISES  
AND  
NON-WAIVER OF DEFENSES AGREEMENT**

**Town of Vienna**  
Administrative Services  
office  
127 Center Street, South  
Vienna, VA 22180  
703-255-6350 (voice)  
202-521-9309 (fax)

Name of Person Requesting Service:	
Property Address:	
Telephone Number:	
Nature of Problem:	
Requesting Party's Interest (owner, tenant, other):	
Additional Information:	

**I HEREBY ACKNOWLEDGE AND AGREE TO THE FOLLOWING:**

1. I have requested the assistance of the Town of Vienna (Town) in correcting a problem with the sanitary sewer at the address listed above.
2. Any assistance provided by the Town is voluntary and shall not constitute an admission of responsibility for the problem or waiver of any defenses by the Town to any claims whatsoever.
3. Any assistance by the Town shall not obligate the Town to continue any assistance.
4. The Town expressly reserves any and all defenses to any and all claims of whatsoever nature.
5. I have read this agreement, understand its terms fully, and understand that it is binding on me.
6. I have received a copy of this agreement.

***READ CAREFULLY BEFORE SIGNING!***

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

## Preventing Sewage Backups



### Important Answers To Your Questions from the Town of Vienna's Department of Public Works

- **How could a sewage backup affect me?**

An overflow in a wastewater line generally results from a stoppage in the line, which causes the wastewater to back up into nearby pipes and drains. Stoppages can occur not only in the main sewer lines outside your home, but also within your home or office plumbing system.

If the backup occurs in the Town maintained line, the wastewater will normally overflow out of the lowest possible opening, which is usually a manhole. However, in some homes, especially those with basements or where the lowest level is even with the sewer lines, the overflowing wastewater may exit through lower drains and toilets.

- **What causes sewage backups?**

In home and office plumbing systems, the main cause is accumulation of grease, hair, and other solid materials. Also, many items which are too large for wastewater pipes to handle (such as disposable diapers and sanitary napkins) are often flushed down toilets. All of these items can cause major backups in the Town's lines as well.

The greatest cause of wastewater stoppages within the Town's system is vandalism. Leaves, sticks, rocks, bricks, and trash have been found stuffed down manholes.

- **What can I do to help?**

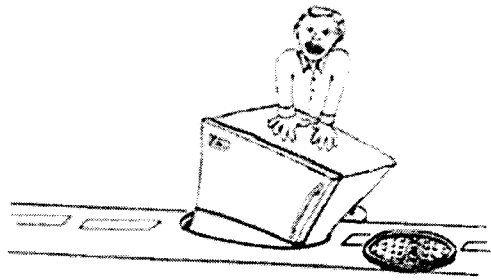
Call the Department of Public Works immediately if you notice any cases of vandalism to sewer lines or manholes. This way, the debris can be removed before it causes a backup.

Avoid putting grease down your garbage disposal or any household drain. Not only could it accumulate in Town lines, it could also build up in your own system and might eventually require the services of a plumber.

Never put disposable diapers or sanitary napkins down the toilet *even if the labels indicate that you can do so*. These were not meant to be disposed of in this manner and besides stopping up lines, could damage your plumbing system.

- **Is there anything I can do to reduce the possibility of sewage backing up into my home?**

If the lowest level of your home or office is above ground level, the chances are slim that you will ever have a problem with overflows from the Town's wastewater lines. However, if the lowest level is below ground level, there is a slightly higher possibility that you may one day be affected by a backup.



Normally, if a stoppage occurs in your neighborhood's main wastewater line, only the lowest level drains and toilets will be affected. A common point is floor drains located in basement areas.

One way to prevent sewage from backing up through these sources is to install a plug in the floor drains. A **plumber's test plug** can be used to close the drain when not in use. For further information on these items and other preventative measures, contact a plumber or your local plumbing supply dealer.

- **What should I do if sewage backs up into my home?**

Keeping in mind that ceramic plumbing fixtures such as toilets are fragile, quickly close all drain openings with stoppers or plugs. Tub, sink, and floor drains may need additional weight to keep them sealed. A string mop can be used to help plug toilets.

If you suspect the stoppage is in your home plumbing system, don't run any water down the drains until you or your plumber have cleared the cause.

If the backup appears to be in your neighborhood's main wastewater line, call the Department of Public Works immediately at the numbers listed on the other side.

A quick check with several nearby neighbors will help you determine if the blockage is widespread or if it is limited just to your home.

- **What does the Town of Vienna do to prevent sewage backups?**

The Town of Vienna makes every attempt to prevent backups in the public wastewater system before they occur. Sewer lines are specially designed to prevent accumulation and stoppages.

In addition, a maintenance crew is devoted to inspecting and cleaning wastewater lines throughout the Town. These lines are examined on a regular basis.

Degreasing chemicals are also injected into lines in areas that are prone to stoppages, such as those near restaurants, apartments or high density housing developments.

Even with the Town of Vienna's maintenance schedule, backups are often beyond the Town's control. Fortunately, they don't happen often. Very few are reported each year and most are confined to the sewage pipeline. Only on rare occasions has the wastewater actually backed up into a home.

- **Will my insurance cover any damage resulting from sewage backups?**

In the majority of cases, a special rider is needed to your homeowner's or renter's insurance policy to cover damages related to sewage backups or water damage. This optional coverage is generally inexpensive. However, you must usually request it, as it is not automatically included in most policies. Customers who may be vulnerable to backups, such as those with lower levels below the ground, are especially advised to investigate this option.

Like the majority of municipalities around the country, the Town of Vienna cannot assume financial liability for damages resulting from sewage backups, since most stoppages are related to conditions that are beyond the Town's control. This is why it is important to verify that you are adequately insured

- **Who should I call to report a sewage backup?**

Emergency crews from the Town of Vienna are on call 24 hours a day to assist you. In an emergency such as a wastewater line backup, contact the department at:

**703-255-6381**

Monday – Friday, 8:00 am to 4:30 pm

**or**

**Vienna Police 703-255-6366**

After hours, weekends, and holidays

**TOWN OF VIENNA  
DEPARTMENT OF PUBLIC WORKS  
127 Center St, South  
Vienna, Virginia 22180  
e-mail: [dpw@viennava.gov](mailto:dpw@viennava.gov)  
[www.viennava.gov](http://www.viennava.gov)**



**INVESTIGATION REPORT  
WASTEWATER COLLECTION SYSTEM  
Town of Vienna**

Location of problem or complaint: \_\_\_\_\_

Date: \_\_\_\_\_ Time (Received call): \_\_\_\_\_

Person reporting problem: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name of owner or occupant: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Was contact made? ☐ Yes ☐ No

If no, was notification left at residence? ☐ Yes ☐ No

Was sanitary sewer main plugged? ☐ Yes ☐ No

Were pictures taken of damage? ☐ Yes ☐ No

**Field Investigation**

Action taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approximate location of problem: \_\_\_\_\_

Up stream manhole #: \_\_\_\_\_ Downstream manhole #: \_\_\_\_\_

Personnel used: \_\_\_\_\_ Hours: \_\_\_\_\_

Equipment used: \_\_\_\_\_

Hours: \_\_\_\_\_ Job completed (date & time): \_\_\_\_\_

Date last cleaned: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

POST SEWER OVERFLOW REPORT  
WASTEWATER COLLECTION SYSTEM  
TOWN OF VIENNA

Location of Problem or Complaint: \_\_\_\_\_

Date of Problem or Complaint (from *Investigation Report*): \_\_\_\_\_

Upstream Manhole # \_\_\_\_\_ Downstream Manhole # \_\_\_\_\_ TV Direction: \_\_\_\_\_

Approximate Location of Problem  
(from *Investigation Report*): \_\_\_\_\_

Summary of Televising (also attach TV log): \_\_\_\_\_

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

Submitted to: \_\_\_\_\_ Date: \_\_\_\_\_

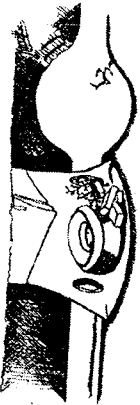
Corrective Action to  
be taken (if any): \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Corrective Action Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Town of Vienna  
Public Works Department  
Water and Sewer Operations  
127 Center St, South  
Vienna, VA 22180  
703-255-6380

# Preventing Sewage Backups



## Important Answers To Your Questions from the Town of Vienna's Department of Public Works

### • How could a sewage backup affect me?

An overflow in a wastewater line generally results from a stoppage in the line, which causes the wastewater to back up into nearby pipes and drains. Stoppages can occur not only in the main sewer lines outside your home, but also within your home or office plumbing system.

If the backup occurs in the Town maintained line, the wastewater will normally overflow out of the lowest possible opening, which is usually a manhole. However, in some homes, especially those with basements or where the lowest level is even with the sewer lines, the overflowing wastewater may exit through lower drains and toilets.

### • What causes sewage backups?

In home and office plumbing systems, the main cause is accumulation of grease, hair, and other solid materials. Also, many items which are too large for wastewater pipes to handle (such as disposable diapers and sanitary napkins) are often flushed down toilets. All of these items can cause major backups in the Town's lines as well.

The greatest cause of wastewater stoppages within the Town's system is vandalism. Leaves, sticks, rocks, bricks, and trash have been found stuffed down manholes.

### • What can I do to help?

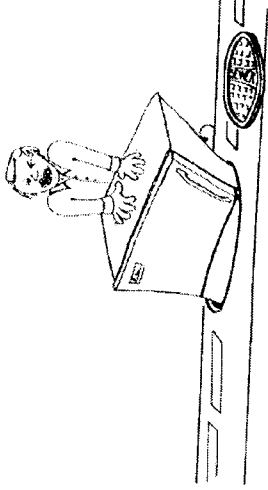
Call the Department of Public Works immediately if you notice any cases of vandalism to sewer lines or manholes. This way, the debris can be removed before it causes a backup.

Avoid putting grease down your garbage disposal or any household drain. Not only could it accumulate in Town lines, it could also build up in your own system and might eventually require the services of a plumber.

Never put disposable diapers or sanitary napkins down the toilet *even if the labels indicate that you can do so*. These were not meant to be disposed of in this manner and besides stopping up lines, could damage your plumbing system.

### • Is there anything I can do to reduce the possibility of sewage backing up into my home?

If the lowest level of your home or office is above ground level, the chances are slim that you will ever have a problem with overflows from the Town's wastewater lines. However, if the lowest level is below ground level, there is a slightly higher possibility that you may one day be affected by a backup.



Normally, if a stoppage occurs in your neighborhood's main wastewater line, only the lowest level drains and toilets will be affected. A common point is floor drains located in basement areas.

One way to prevent sewage from backing up through these sources is to install a plug in the floor drains. A plumber's test plug can be used to close the drain when not in use. For further information on these items and other preventative measures, contact a plumber or your local plumbing supply dealer.

### • What should I do if sewage backs up into my home?

Keeping in mind that ceramic plumbing fixtures such as toilets are fragile, quickly close all drain openings with stoppers or plugs. Tub, sink, and floor drains may need additional weight to keep them sealed. A string mop can be used to help plug toilets.

If you suspect the stoppage is in your home plumbing system, don't run any water down the drains until you or your plumber have cleared the cause.

If the backup appears to be in your neighborhood's main wastewater line, call the Department of Public Works immediately at the numbers listed on the other side.

A quick check with several nearby neighbors will help you determine if the blockage is widespread or if it is limited just to your home.

- **What does the Town of Vienna do to prevent sewage backups?**

The Town of Vienna makes every attempt to prevent backups in the public wastewater system before they occur. Sewer lines are specially designed to prevent accumulation and stoppages.

In addition, a maintenance crew is devoted to inspecting and cleaning wastewater lines throughout the Town. These lines are examined on a regular basis.

Degreasing chemicals are also injected into lines in areas that are prone to stoppages, such as those near restaurants, apartments or high density housing developments.

Even with the Town of Vienna's maintenance schedule, backups are often beyond the Town's control. Fortunately, they don't happen often. Very few are reported each year and most are confined to the sewage pipeline. Only on rare occasions has the wastewater actually backed up into a home.

- **Will my insurance cover any damage resulting from sewage backups?**

In the majority of cases, a special rider is needed to your homeowner's or renter's insurance policy to cover damages related to sewage backups or water damage. This optional coverage is generally inexpensive. However, you must usually request it, as it is not automatically included in most policies. Customers who may be vulnerable to backups, such as those with lower levels below the

ground, are especially advised to investigate this option.

Like the majority of municipalities around the country, the Town of Vienna cannot assume financial liability for damages resulting from sewage backups, since most stoppages are related to conditions that are beyond the Town's control. This is why it is important to verify that you are adequately insured!

- **Who should I call to report a sewage backup?**

Emergency crews from the Town of Vienna are on call 24 hours a day to assist you. In an emergency such as a wastewater line backup, contact the department at:

**703-255-6381**

Monday – Friday, 8:00 am to 4:30 pm  
or

**Vienna Police 703-255-6366**

After hours, weekends, and holidays

## Preventing Sewage Backups



**TOWN OF VIENNA  
DEPARTMENT OF PUBLIC WORKS**

127 Center St, South  
Vienna, Virginia 22180  
e-mail: [dpw@viennava.gov](mailto:dpw@viennava.gov)  
[www.ViennaVA.gov](http://www.ViennaVA.gov)

August 2008

**Departments** > [Back to Main](#) | [Admin Services](#) | [Finance](#) | [Parks & Rec](#) | [Planning & Zoning](#) | [Police](#) | [Public Works](#) | [Town Clerk](#)

Search for:

## Sewer Backup Insurance

Search

Reset

Go back to

- [Public Works](#)

Sewer backups can be costly, but sewer backup insurance is not! All insurance companies writing homeowner policies in Virginia offer special coverage for damage resulting from backups of drains and sewers, and this additional protection is available at very reasonable rates. For information on obtaining sewer backup coverage, contact your insurance company. The Town's insurance carrier rarely approves claims resulting from sewer backups unless negligence in maintaining the system can be shown. Therefore, residents are encouraged to protect their property by obtaining sewer backup insurance.

- [Guide to Preventing Sewage Backups](#)

[Home](#) | [Contact Us](#) | [Comments and Suggestions](#) | [Webmaster](#)

Maintained by Town of Vienna staff. Comments and suggestions regarding the operation of this site should be directed to the Town of Vienna Contact. This site has an Internet privacy policy, that can be viewed by clicking the following link: [Web Site Privacy Policy](#).

**Google Translate**

Select Language



Gadgets powered by Google

The League of Women Voters of the Fairfax Area publishes a comprehensive "Facts for Voters" brochure. To obtain a copy, call 703-658-9150.

# W

## **WALK ON THE HILL (Also See HISTORIC DISTRICT)**

The "Walk on the Hill" spring garden tour in the historic district is held the last Sunday afternoon in April each year, sponsored by Historic Vienna, Inc., and residents of the Hill section.

## **WATER/SEWER SERVICE AND RATES**

The Public Works Department provides water and sewer service to Town residents and to some nearby Fairfax County subdivisions, about 8,500 households in all. For water or sewer service problems, call 703-255-6381 during weekdays or 703-255-6366 during evenings and weekends.

The combined water and sewer rate for fiscal year 2010-2011 is \$9.22 per 1,000 gallons for town residents. Delinquent water and sewer accounts are assessed interest at the rate of 1% per month. Delinquent amounts also constitute a lien on the property. If you have questions about your bill, call 703-255-6385.

### **Water Meters**

Please keep water meters accessible to meter readers. Be sure that parked cars, trash cans and other objects do not obstruct the meter. In winter weather, please keep meter enclosures clear of ice and snow. When the meter cannot be read due to obstructions, an estimated bill will be rendered. If the customer desires an actual reading for billing purposes, a \$15 surcharge will be made for a second visit by the meter reader.

For new service or discontinuation of service, call 703-255-6385.

### **Clogged Sewer Lines**

If you experience a problem with clogged sewer lines in your home, call the Public Works Department at 703-255-6381 during normal business hours or 703-255-6366 on nights and weekends, before you call a commercial sewer cleaning service; you may save yourself the price of a service call. A public works crew will check out the main sewer line and, if the obstruction occurs there, will clean it out at no charge to you.

### **Sewer Backups**

To help prevent sewer backups, the Public Works Department cleans the main sewer lines whenever residents notify the department that their service laterals have been rodded by a commercial sewer cleaning service. Pressure cleaning to remove material washed into the main sewer line from the service lateral may help prevent future blockage of the main line. If you have your sewer service lateral cleaned, please call the Public Works Department.

Sewer backups can be costly, but sewer backup insurance is not! All insurance companies writing homeowner policies in Virginia offer special coverage for damage resulting from backups of drains and sewers, and this additional protection is available at very reasonable rates. For information on

obtaining sewer backup coverage, contact your insurance company. The Town's insurance carrier rarely approves claims resulting from sewer backups unless negligence in maintaining the system can be shown. Therefore, residents are encouraged to protect their property by obtaining sewer backup insurance.

You can help prevent sewer back-ups. The discharge of anything other than waste and toilet paper through residential sewers can cause a stoppage in the house line or in the main sewer, resulting in property damage. Items that should never be flushed down toilets include disposable diapers, paper towels and sanitary napkins. Even cigarette filters can get caught and cause problems. These items and any other non-fluid items should be disposed of with the regular household trash.

#### **Water Mains**

Each spring, the Town of Vienna flushes the water mains in its distribution system in order to maintain a high standard of water quality and to ensure proper and efficient operation of the fire hydrants. This preventive maintenance program begins in early April. Water mains are usually flushed between 11 p.m. and 5 a.m. Flushing may result in some discoloration and the presence of sediment in the water reaching your home or business. These conditions are not harmful and should be of short duration. The Town appreciates your tolerance of this inconvenience. If you need more information, please call 703-255-6381.

#### **National Flood Insurance Program (NFIP)**

The Town of Vienna participates in the National Flood Insurance Program (NFIP). The NFIP makes federally backed flood insurance available for all buildings, whether they are in a floodplain or not. Flood insurance covers direct losses caused by surface flooding, including drainage problems. Copies of the Flood Insurance Rate Map are available for review in the Department of Public Works. For more information, call 703-255-6381 or visit the Town's Web site, [www.vienna.va.gov](http://www.vienna.va.gov).

#### **Storm Drains**

When it rains, the water that runs down your street "disappears" down the storm drains. Have you ever stopped to wonder where the water goes? Storm drains do not lead to wastewater treatment facilities. Any substance that goes into the storm drain goes directly into a local stream and eventually makes it way into the Chesapeake Bay. Items typically placed in storm drains include motor oil, antifreeze and paint; animal waste; yard waste; and plastic and foam containers. Help save the Chesapeake. Never dump anything down a storm drain.

#### **WEEDS AND DEBRIS**

To protect health and safety and to maintain an attractive community, Town ordinance requires that property be kept free of refuse. Grass, weeds and other growth may not exceed six inches in height within 100 feet of any street or property line.

Grass and weeds growing up through cracks in the sidewalk and between the sidewalk and street detract from Vienna's beauty. The Town government simply does not have the personnel required to maintain these rights-of-way as it would like, and asks residents to assist by controlling grass and weeds next to their property. Property owners must also keep tree branches, shrubs, vines and hedges trimmed so that they do not overhang sidewalks or obstruct the view of motorists.

**CODE OF ORDINANCES**  
**Town of**  
**HERNDON, VIRGINIA**

**Codified through**  
**Ordinance No. 11-O-16, enacted May 10, 2011.**  
**(Supp. No. 42)**

**Part I – Charter**

\*\*\*

**Sec. 7.2 – Actions against the town for damages, etc.**

No action shall be maintained against the town for injury to any person or property or wrongful death alleged to have been sustained by reason of the negligence of the town, or any officer, agent or employee thereof, unless a written statement by the claimant, his agent or attorney, or representative of the nature of the claim and of the time and place at which the injury is alleged to have occurred, or to have been received, shall have been filed with the town attorney or with the mayor within six months after such cause of action shall have accrued. No officers, agents or employees of the town shall have authority to waive such condition precedent or any of them, except if the claimant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from said injury so as to be able to give such notice.

(b)

In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(c)

If it is ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(d)

If the town, when not primarily liable, shall pay such judgment in whole or in part, the plaintiff shall, to the extent that such judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or any action at law, or scire facias to revive such judgment.

(e)



No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works, unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(f)

The town council is authorized and empowered to compromise any claim for damages or any suit or action brought against the town and may delegate by ordinance this power, in whole or in part, to the town manager.

(Acts 1975, ch. 165, § 1; Acts 1998, ch. 137, § 1)

RESOLUTION AMENDING THE CITY'S COMPENSATION LIMIT  
TO PERSONS SUFFERING PROPERTY DAMAGE AS A DIRECT  
RESULT OF BREAKS IN WATER MAINS OR BACKUPS IN  
SANITARY SEWER MAINS

- WHEREAS, the City of Falls Church owns and operates a water system servicing about 33 square miles and 120,000 persons and owns and operates a sanitary sewer system serving about 3 square miles and 10,500 persons; and
- WHEREAS, water or sewage occasionally escapes, without any fault of the City or its employees, from the respective systems as a result of unforeseeable breaks or backups in the respective systems and this can cause damage to real and personal property; and
- WHEREAS, damage caused in this way is occasionally not covered or covered for a limited amount by homeowner's policies and as a result these persons may not receive compensation; and
- WHEREAS, the City Council deems it appropriate to provide for compensation under appropriate circumstances program as substantive measure to assist customers and property owners that may have suffered damage due to water main breaks or sewer backups;
- WHEREAS, the current \$5,000 limit per claim that the City Manager is authorized to pay was set in 1988 when replacement costs were significantly lower, and it is appropriate to raise that limit now to adjust for inflation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falls Church as follows:

- (1) There shall be set aside \$80,000 annually in water utility funds and \$50,000 in sewer utility funds to provide compensation to persons receiving property damage as a direct result of breaks in the City's water mains or from backups in the City's sanitary sewer mains respectively;
- (2) All claims for damage shall be referred to the City's insurer who shall investigate and determine if there is liability on the City's part and if so, adjust the claim accordingly;
- (3) Should the claim not be paid by the City's insurer but nonetheless the damage has been shown to the City Manager or his designee to have been directly caused by a break in the City water main or a

backup in the City's sanitary sewer main, the Manager or his designee shall be authorized, regardless of the absence of fault by the City, to pay up to \$10,000 per claim;

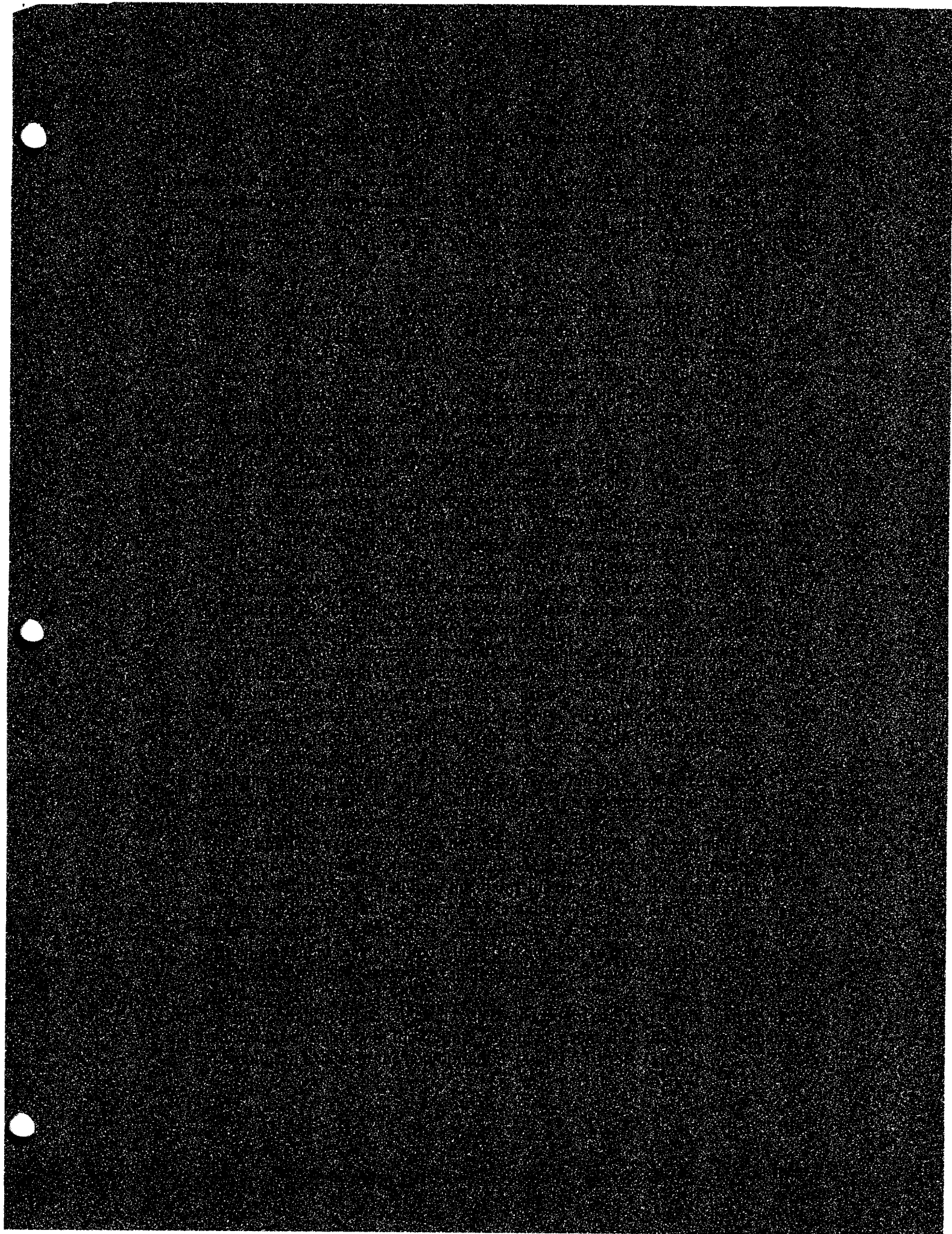
- (4) Any claim in excess of the authority of the City Manager or his designee shall be referred to the Council for action; and
- (5) Each payment shall be made only when the claimant executes a written release of all claims against the City, its officers and employees from the break or backup.

Reading: 6-9-08  
Adoption: 6-9-08  
(TR8-34)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on June 9, 2008 as Resolution 2008-27.

---

Kathleen Clarken Buschow  
City Clerk



TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

 **Print**

ITEM NO. 10

2011 Christmas Eve Holiday Schedule

**BACKGROUND SUMMARY:**

The 2011 holiday calendar for Town employees currently provides for a half day off on Christmas Eve. This holiday falls on a Saturday this year, so per the Town's policy, it is being observed on Friday, December 23, 2011.

**OVERVIEW:**

The current Town calendar provides for a half day off for all Town employees on Friday, December 23, 2011. Fairfax County and the Commonwealth of Virginia have expanded their Christmas Eve schedule to provide a full day off for their employees.

To expand Vienna's Christmas Eve holiday to a full day, the Town's overtime costs would increase by \$4,500.

Friday is a recycling day for the south side of Town and the Sanitation Division would continue with this scheduled pickup and work on Friday, December 23, 2011. This is because the following week, there is no recycling scheduled on Thursday, December 29, 2011 due to the rescheduling of trash collection from Monday, December 26, 2011, resulting in a town-wide pickup day on Friday, December 30, 2011.

**SUMMARY/STAFF IMPRESSIONS:**

Specific overtime monies are not budgeted for these additional costs, but can be absorbed within each department's budget.

**DOCUMENTS ATTACHED:**

No Attachments Available

**RECOMMENDATION:**

Place on October 17, 2011 agenda for action.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

 [Print](#)

ITEM NO. 10

2011 Christmas Eve Holiday Schedule

**BACKGROUND SUMMARY:**

The 2011 holiday calendar for Town employees currently provides for a half day off on Christmas Eve. This holiday falls on a Saturday this year, so per the Town's policy, it is being observed on Friday, December 23, 2011.

**OVERVIEW:**

The current Town calendar provides for a half day off for all Town employees on Friday, December 23, 2011. Fairfax County and the Commonwealth of Virginia have expanded their Christmas Eve schedule to provide a full day off for their employees.

To expand Vienna's Christmas Eve holiday to a full day, the Town's overtime costs would increase by \$4,500.

Friday is a recycling day for the south side of Town and the Sanitation Division would continue with this scheduled pickup and work on Friday, December 23, 2011. This is because the following week, there is no recycling scheduled on Thursday, December 29, 2011 due to the rescheduling of trash collection from Monday, December 26, 2011, resulting in a town-wide pickup day on Friday, December 30, 2011.

**SUMMARY/STAFF IMPRESSIONS:**

Specific overtime monies are not budgeted for these additional costs, but can be absorbed within each department's budget.

**DOCUMENTS ATTACHED:**

No Attachments Available

**RECOMMENDATION:**

Place on October 17, 2011 agenda for action.

TOWN OF VIENNA  
TOWN COUNCIL WORKSESSION ITEM  
September 19, 2011  
8:00 PM

 **Print**

ITEM NO. **11**

Commercial Sidewalk Snow Removal ordinance

**BACKGROUND SUMMARY:**

At the September 20, 2010 Council work session the Town Attorney and the Parks and Recreation Director presented the idea of a commercial sidewalk snow removal ordinance for the Town. At that time Council asked that additional information be collected including information from neighboring jurisdictions along with a review by the Town Attorney to insure that the Town has the legal authority to enact an ordinance specifically for commercial areas only. At the December 13, 2010 Council work session information from local jurisdictions was presented along with an opinion from the Town Attorney that we had the authority to enact a sidewalk snow removal ordinance in the commercial districts. Council then asked that this information be provided to the Town Business Liaison Committee for their review and comment. The Town Attorney and Parks and Recreation Director presented this information to the Town Business Liaison Committee at their February 10, 2011 monthly meeting.





**OVERVIEW:**

Based on the information collected and the opinion of the Town Attorney, the Town may enact a sidewalk snow removal ordinance specifically for the commercial districts in Town. In addition, the Town Business Liaison Committee asked that *"the ordinance is good to have so long as it is well articulated, is reasonable, and allows for some process. Mr. Gadell agreed, stating process, leeway, and is enforceable."* In addition *"more specifications on time lines in what would constitute as business hours such as Sundays or if a business is typically closed on a Monday, and what is a reasonable timeframe. He stated that additionally, the photographs provided detail huge snow banks in front of businesses that have been put there by snow plows. He asked if there is somewhere that a business can call for assistance as to how to handle such a large pile of snow. No reasonable person with a shovel can expect to remove it."*

**SUMMARY/STAFF IMPRESSIONS:**

The Town Attorney has drafted a proposed ordinance for removal of snow from sidewalks in commercial and industrially zoned property in Town for Council review. Additionally, the Town Attorney has provided copies of his previous confidential legal memos on the subject.

**DOCUMENTS ATTACHED:**

1.  [ORDINANCESnowRemovalCommercialZones2011.doc](#)
2.  [TOV Snow Removal Ordinance TBLC.doc](#)
3.  [MINUTES FROM TBLC OF FEBRUARY 10.docx](#)
4.  [Minutes Dec 13, 2010 Work session - Snow Removal.docx](#)

**RECOMMENDATION:**

Review the proposed ordinance and provide feedback to the Town Attorney.

## PROPOSED ORDINANCE

**Proposed by: Town Attorney**

A proposed ordinance to amend Chapter 10, Offenses - Miscellaneous, Article 3, Offenses Against Property, adding new Section 10-20.2 to the Code of the Town of Vienna.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VIENNA, VIRGINIA THAT:

**Section 1:** The Town Code, Chapter 10, Motor Vehicles and Traffic, Offenses - Miscellaneous, Article 3, Offenses Against Property, is amended to add new Section 10-20.2 and to read as follows:

### ***10-20.2***

#### ***(a) Intent***

*The Town of Vienna deems the accumulation of snow and ice on sidewalks adjoining commercially or industrially zoned property to constitute a nuisance and a menace to the health and safety of the occupants thereof or the public.*

#### ***(b) Snow and Ice Removal***

*If after such reasonable notice by the Town to the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the accumulation of snow and ice on sidewalks adjoining commercially or industrially zoned property, the Town may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.*

*Notice to owner or owners, occupant or occupants of the property or premises affected shall be deemed served if notice is posted on the main entrance to any such premises or hand delivered to the owner or owners, occupant or occupants of the property or premises.*

*Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.*



***In addition to the cost of abating or obviating the condition or nuisance, any person or business in violation of this ordinance shall constitute a class 4 misdemeanor and any owner or owners, occupant or occupants of the property who violates this ordinance shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.***

**Section 2:** This Ordinance shall become effective ten (10) days following notice of adoption by the Town Council.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
M. Jane Seeman, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

c:SDB\Snow\SnowRemovalOrdinance2011

## **Proposed Town of Vienna Snow Removal Ordinance for Commercial/Industrial Zones**

Virginia Statutory Authority:

### **§ 15.2-1115. Abatement or removal of nuisances. —**

**A. A municipal corporation may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property and snow from sidewalks;** the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the municipal corporation may prescribe the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the municipal corporation may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

B. Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed. (Code 1950, § 15-77.31; 1958, c. 328; 1962, c. 623, § 15.1-867; 1997, c. 587; 2004, cc. 533, 968.)

### **Town of Vienna's Proposed Ordinance**

#### ***Intent***

***The Town of Vienna deems the accumulation of snow and ice on sidewalks adjoining commercially or industrially zoned property to constitute a nuisance and a menace to the health and safety of the occupants thereof or the public.***

***If after such reasonable notice by the Town to the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance within 24 hours, the Town may do so***

*and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.*

*Notice to owner or owners, occupant or occupants of the property or premises affected shall be deemed served if notice is posted on the main entrance to any such premises or hand delivered to the owner or owners, occupant or occupants of the property or premises.*

*In addition to the cost of abating or obviating the condition or nuisance, a violation of this ordinance shall constitute a class 4 misdemeanor and any owner or owners, occupant or occupants of the property who violates this ordinance shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.*

*Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.*

#### **Snow Removal Ordinances Adopted by Other Localities**

##### **Town of Leesburg – Snow Removal Ordinance:**

Sec. 30-10. Removal of snow and ice from sidewalks.

(a) It shall be unlawful for any owners of property to permit snow, sleet or ice to remain on a public sidewalk or footway abutting the property owned or occupied by him for more than 24 hours after the snow has ceased to fall. In the event the ice cannot be removed without injury to the sidewalk or footway, it shall be covered within 24 hours with sand, ashes or other substance which will render it safe for travel. These requirements shall not apply when the owner or occupant is unable to remove the snow or ice because of a physical disability.

(b) Upon notice from the town manager or his designee, a property owner shall within 24 hours of receipt of said notice, remove the snow, sleet or ice or the town through its agents or employees may elect to remove the snow, sleet or ice, bill the owner or occupant of the property for the costs, in which event the cost or expenses may be collected as taxes are collected and/or issue a civil penalty of \$50.00 citation to the owner or occupant of the property.

(c) Every charge authorized by this section in excess of \$200.00 with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, title 58.1, ch. 39, arts. 3

and 4 (Code of Virginia, §§ 58.1-3940 et seq., 58.1-3965 et seq. The town manager or his designee may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(d) Any violations of the section shall be subject to a civil penalty, not to exceed \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a 12-month period. The civil penalties are in addition to any costs the property owner incurs as a result of the failure to comply with this section.

(e) In the event three civil penalties have been previously imposed on the same property owner for the same or similar violation, not arising from the same set of operative facts, within a 24-month period, the fourth violation shall be a class 3 misdemeanor.

(Code 1963, § 20-8; Code 1976, § 16-13; Ord. No. 91-0-9, 2-12-1991; Ord. No. 2006-0-2, § I, 2-14-2006)

**State law references:** Authority for above section, Code of Virginia, §§ 15.2-1115, 15.2-901.

#### **City of Alexandria - Snow Removal Ordinance:**

Sec. 5-2-21 Removal of snow, sleet and ice.

(a) Whenever snow shall fall and lie on the sidewalks of the city, it shall be the duty of each owner or occupant to clean same from the public sidewalk abutting the place owned or occupied by him within 24 hours after the snow shall have ceased to fall. It shall be unlawful for any person to move into any city street any snow that has fallen on such person's property. The same requirements shall exist with respect to ice or sleet on sidewalks or footways; except, when it cannot be removed without injury to the sidewalk or footway, it shall be covered within 24 hours with sand, ashes or some other substance which will render it safe for travel. Whenever any building or lot is owned by the Alexandria Redevelopment and Housing Authority, contains four or more rental units, or is unoccupied, it shall be the duty of the owner, or the agent of the owner thereof, to have the snow or ice removed from the sidewalk or footway, as above required of occupants. It shall be unlawful for any person to fail, refuse or neglect to comply with the provisions of this subsection.

(b) The director of the department of transportation and environmental services, or the director's duly authorized agent, may give notice in writing to the owner or occupant of land in the city abutting a sidewalk where there is snow, sleet or ice, that such snow, sleet or ice must be removed or covered as prescribed above within 24 hours from the receipt of the notice or the city will (1) remove or cover the snow, sleet or ice, bill the owner or occupant for the costs and collect the costs like taxes in the event of nonpayment by the owner, and/or (2) issue a civil penalty citation to the owner or occupant pursuant to

subsection (e) of this section. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search.

(c) Whenever the owner refuses, neglects or fails to remove or cover the snow, sleet or ice after being notified in the manner prescribed above, the department of transportation and environmental services may choose to act. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the work is done.

(d) In the event the city does not receive payment of the bill within 30 days after mailing, the director of finance shall see that the expense is charged to the owner and collected in the same manner as city taxes. Every charge with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

(e) A person shall be assessed a civil penalty of \$50 for violating any provision of this section; provided, however, that no such penalty shall be assessed until the written notice required by subsection (b), and an additional period of 24 hours to comply after such notice, shall have been given. The provisions of Section 1-1-11 of this code shall apply to the enforcement of such penalty. (Code 1963, Sec. 33-22; Ord. No. 2752, 12/14/82, Sec. 1; Ord. No. 2768, 1/26/82, Sec. 1; Ord. No. 2877, 11/12/83, Sec. 1; Ord. No. 4368, 12/18/04, Sec. 1)

Cross Reference: Snow and bad weather regulations, § 5-8-131 et seq.

## **City of Falls Church – Snow Removal Ordinance**

### **Sec. 36-17. - Snow or ice removal.**

**(a)**

Whenever snow or ice shall fall and/or lie on the sidewalks of the city, it shall be the duty of each tenant in possession or, if there is none, the owner to clean the snow or ice from the sidewalk in front of the place possessed or owned by such person, as the case may be. The tenant in possession or owner shall clean the snow or ice within 12 hours after the snow shall have ceased to fall or the ice accumulate, unless same is at night; and if at night, then within 12 hours after sunrise the next day. In those instances where the abutting property is not used for residential purposes, the snow or ice shall be removed within six hours after the snow shall have ceased to fall or the ice accumulate, unless the same is at night; and if at night, then within six hours after sunrise the next day. It will be unlawful for any person to move into any city street any snow or ice that has fallen or accumulated on the property of such person.

**(b)**

Violation of the provisions of this section shall be punishable by a fine not to exceed \$100.00 for the first offense within any five-year period. In instances where the abutting property is used for residential purposes, a

second offense within a five year period shall be punishable by a fine not to exceed \$200.00; and for a third offense within a five-year period, by a fine not to exceed \$500.00. In instances where the abutting property is used for commercial purposes, a second offense within a five-year period shall be punishable by a fine not to exceed \$300.00; for a third offense within a five-year period, by a fine not to exceed \$750.00.

*(Code 1973, § 33-17; Code 1982, § 32-17; Ord. No. 1044, 4-11-1983; Ord. No. 1369, 9-9-1991*

### **Town of Front Royal – Snow Removal Ordinance**

#### **Section 142-4.1 SNOW AND ICE ON SIDEWALKS.**

A. All owners or occupants of property within the limits of the Town, which property is used for commercial or industrial purposes, shall remove or cause to be removed the snow and ice from the sidewalks adjacent to such property within twenty-four (24) hours after ice has formed or snow has ceased to fall. If the ice or snow forms or falls during the night or on a Sunday, it shall be removed by noon the following day. Sand or other abrasives may be applied to ice to establish traction if removal is not feasible.

B. If at any time the Town Manager or his designee shall find that any such property owner has not removed snow or ice pursuant to this Section, the Town Manager or his designee shall give notice, in writing, to such owner or occupant to remove such snow and/or ice within a reasonable time not to exceed six (6) hours after the giving of such notice.

C. Upon failure of any person to whom notice has been given pursuant to this Section to comply with the terms of such notice, the Town Manager may cause such snow and/or ice to be removed, and the expense thereof shall be charged to such owner or occupant to be collected in the same manner as County taxes or in any other manner authorized by law.

(Ord. No. 3-2001 Added Entire Section 5-14-01)

### **Town of Purcellville's – Snow Removal Ordinance**

#### **Sec. 70-81. Removal of snow and ice from sidewalks.**

(a) It shall be the duty of every occupant or owner of a house or lot which has a sidewalk or footway of stone, brick, gravel, cinder, wood or other substance, when such walk is built and maintained by the town, adjoining and touching upon the sidewalk or footway in the front, rear or either side thereof, to have all snow removed from such sidewalk or footway within six hours after such snow has ceased falling, unless the sidewalk or footway has fallen during the night, in which case it shall be removed before

12:00 noon on the succeeding day. If snow falls upon Sunday, such occupants or owners shall have until 12:00 noon the following Monday to comply with this section.

(b) The requirements of subsection (a) of this section applicable to the removal of snow shall apply with reference to ice or sleet on sidewalks or footways, except that, when ice or sleet cannot be removed without injury to the sidewalk or footway, such ice or sleet shall be covered, within the period of time above specified, with sand, ashes or some substance which will render it safe for travel.

(c) When there is no tenement on a lot, or no occupant of any tenement thereon, it shall be the duty of the owner of the lot or tenement, or his agent, to have the snow or ice removed from his sidewalk or footway as required in subsection (a) of this section of occupants of houses.

(Code 1977, § 15-16) **State law references:** Authority for above section, Code of Virginia, § 15.1-867.

#### **Town of Warrenton – Snow Removal Ordinance**

##### **Sec. 14-5. Disposition of snow, ice, etc.**

(a) It shall be the duty of the occupant of any house and lot which abuts upon a paved sidewalk or a footway of stone, brick or wood to have all snow removed from such sidewalk or footway within six (6) hours after the same shall have ceased falling, unless such snow shall have fallen during the night or on a Sunday, in which case it shall be removed by 12:00 noon of the day following. The same requirements shall exist with respect to ice or sleet on sidewalks or footways; except, that ice or sleet, when it cannot be removed without injury to the sidewalk or footway, shall be covered, within the period of time as above specified, with sand, ashes or some other substance which will render it safe for travel on foot. Whenever any house or lot is unoccupied, it shall be the duty of the owner, or of the agent of the owner, to have the snow or ice removed from his sidewalk or footway in the same manner as set forth above for occupants of properties. Each violation of this subsection shall be a class 4 misdemeanor, and every six (6) hours that such snow or ice is allowed to remain in violation of this subsection shall constitute a separate offense.

(b) It shall be unlawful for any person removing ice or snow from his premises to place or deposit such ice or snow upon any street or sidewalk.

(Code 1981, § 14-12)

#### **County of Loudoun – Snow Removal Ordinance**

##### **1022.01 REMOVAL OF SNOW AND ICE.**

(a) Removal Required. Every occupant, owner or other person in charge of any property in the County which has a sidewalk or a footway of stone, brick, gravel, cinder, wood or other substance, when such walk is publicly owned or maintained, and is adjoining and touching the property in front, rear or either side thereof, shall have all snow and ice, and any combination thereof, removed from such sidewalk or footway within six hours after such snow or ice, or a combination thereof, has ceased falling, unless the same has fallen during the night, in which case it shall be removed before

12:00 noon following the night in which the snow or ice, or combination thereof, has fallen. In the event snow or ice, or a combination thereof, falls upon Sunday, such occupants, owners or other persons in charge shall have until 12:00 noon Monday to comply with this requirement.

(b) When Removal Not Required. The requirements of subsection (a) hereof shall not apply when such snow or ice, or a combination thereof, cannot be removed without injury to the sidewalk or footway. In such an event, however, such sidewalk or footway shall be covered within the applicable period of time as specified in subsection (a) hereof with sand, ashes or some other substance that will render it safe for travel.

(c) Exceptions. This section shall not apply when the occupant, owner or other person in charge of a property is prevented from fulfilling the requirements of subsections (a) and (b) hereof because of physical or mental disability or is sixty-five years of age or older, and said occupant, owner or other person in charge has made reasonable efforts to undertake alternative means for fulfilling said requirements.

(d) Enforcement. The County Department of Building and Development shall be responsible for enforcement of this section.

(e) Applicability Within Incorporated Towns. This section shall not apply within any incorporated town that, by means of an ordinance or resolution enacted by its town council, asserts its desire for such exemption from applicability.  
(Ord. 90-11. Passed 9-4-90; Ord. 91-23. Passed 9-17-91.)

#### 1022.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a Class 4 misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.  
(Ord. 95-06. Passed 8-2-95.)



## MINUTES FROM TBLC OF FEBRUARY 10, 2011

Mr. Steve Briglia, Town Attorney for the Town of Vienna came forward to speak. Mr. Briglia stated that the Mayor and Town Council are in the process of reviewing options for adopting a snow removal ordinance. To date they have held two work sessions to review surrounding jurisdictions. They also reviewed which locations have ordinances in place that require abutting property owners to remove snow and ice from sidewalks within a reasonable timeframe after a snow fall. Currently, the Town of Leesburg, City of Alexandria, Arlington County, City of Falls Church, Town of Front Royal, Town of Purcellville, and the Town of Warrenton all have snow removal ordinances. Fairfax County, Fairfax City, Town of Herndon, Prince William County, and Loudon Counties currently do not have ordinances, although some are currently considering adopting ordinances.

Mr. Briglia explained that the Commonwealth of Virginia is a Dillon Rule State so that its localities are not retained in adopting general police statutes and ordinances. All authority is granted from the Virginia General Assembly and requires that specific authority be found within the Code of Virginia. The proposed ordinance that has been provided to the Committee includes information on how surrounding jurisdictions have handled the same issue. There are some commonalities but each has handled it in a different way. Counties in Planning District A, in which Fairfax County is located within, can adopt a very specific snow removal ordinance as well as establish guidelines for civil penalty.

Mr. Briglia stated that general authority has been given to all jurisdictions for the abatement of nuisances. Within the enabling legislation the General Assembly also included that jurisdictions can adopt ordinances that cover the abatement of nuisances. The Town currently has one, which is for the removal of weeds from public and private property and is where the Town's weed and debris ordinance is derived from. The ordinance does mention snow removal from sidewalks and to not allow trash to accumulate. It is a general police authority provision in which the Town is allowed to abate nuisance with a general statute within the criminal section of the Town Code. It states that the Town has the authority to cite specific incidents that are not abated within a reasonable amount of time.

Mr. Briglia explained that the current ordinance has never been used to require citizens to shovel snow off of their sidewalks from a natural snowfall; however they do use it to discourage shoveling snow onto sidewalks. Whenever there has been a significant snow fall contractors, who have been hired to clear snow from parking lots, typically pile snow up on to sidewalks that the Town's Department of Parks and Recreation has worked to clear. The Mayor and Town Council request that the department work to clear the sidewalks of snow along Maple Avenue and to assist Town road crews in their street clearing. He stated that it is not heavily funded nor a big budget item. The Department of Parks & Recreation has been able to acquire ATV's (All Terrain Vehicles) outfitting them with plows. It has allowed them to be able to clear snow quickly for smaller snow falls and, during the larger storms, to work throughout the storm to clear as much of the snow away. The Town is now experiencing the issue of private property owners pushing snow onto public sidewalks, which is a problem. If they are caught doing so, the police will tell them to stop and to clean it up. The Town can also threaten to charge them with a misdemeanor of creating a nuisance. Mr. Briglia stated that it can be difficult to enforce. The police are working to enforce police matters and are not the snow police. It can create a hardship for Town staff who are working hard to keep the sidewalks clear for its residents.

Mr. Briglia stated that the consensus among the Town Council has been that if they are going to attempt an ordinance they would like it to begin in the commercial district. They have asked Mr. Briglia to visit with the Committee to obtain T/BLC input. The proposed ordinance that has been supplied to the Committee includes enabling authority; however, it is a proposal that is not written in stone. The Mayor

and Town Council have asked that the Committee offer any input that they have. He explained that some of the jurisdictions use the term misdemeanor; whereas, others use the term civil violation. The enabling legislation allows the Town to create a violation of law but it also allows them to assess damages if the Town has to send crews out to shovel. Crews would be dispatched once reasonable notice has been given. An assessment for the cost, which is a civil sanction, can be given. Some jurisdictions offer a flat fine; whereas, others have assessed fines. A Class 4 misdemeanor is the lowest level of misdemeanor with a \$250 fine. If the Town ends up clearing snow, incurring expenses then Town could seek additional damages in Civil Court. He stated that the enabling legislation would also authorize the Town to do so.

Ms. James stated that typically liability is transferred to the owner of the business. She asked if there are any cases of transference of liability among the business and the landowner. Mr. Briglia answered that it is not very clear even in enabling legislation, which discusses the assessment of civil sanction if the Town has had to come out to clean it up. In that scenario the assessment would be given to the owner of the property. Obligation for removal of snow falls to the owner or occupant of the location. In that situation responsibility can fall to the tenant or whoever is in possession of the property. Ms. James stated that her property abuts a parking lot that she pays partial rent on. She asked if it falls to her to clear the sidewalk or if it falls to the Town to keep clear. Mr. Briglia answered that if you are not the directly abutting land owner then there is no responsibility. Additional discussion followed.

Chairman Gadell asked, with respect to the sidewalks at the Vienna Marketplace shopping center, if the center is only responsible for the sidewalk that runs along Maple Avenue and not the sidewalk that abuts Maple Avenue. In addition, he asked how responsibility is divvied up amongst multiple tenants similar to places like the Danor Plaza shopping center. Mr. Briglia answered that in the case of the Vienna Marketplace it is the shopping center responsible for both sidewalks. Typically a shopping center would have a property management company that is responsible for the center. The Town would notify the property manager of a center who is responsible for maintaining the common areas. In the case of a smaller, one or two tenant center, they may not have a management company. Mr. Briglia noted that the point is not to cite but to encourage owners to keep the areas clear.

Mr. Connor asked what would happen in the event of mixed zoning such as with condominiums that are in or adjoin commercially zoned property. He asked who would bear that responsibility, and could it be argued that it is a joint responsibility. Mr. Briglia stated that there is currently only one building located at the corner of Center and Church Street, NE, that is a residential property located in a commercial zone. The building is zoned commercial. Mr. Briglia explained that in that scenario the Town would be responsible for shoveling the sidewalk. Mr. Connor stated that there are homes located behind the Giant Shopping Center that have a sidewalk that runs down Glyndon Street, SE, towards the Auto Zone. He asked, in that instance, which would bear the responsibility of attending to that. He stated that although the design is for commercial purposes if it is a shared property line, then the owner of the shopping center would note that the neighboring property owners should bear equal responsibility. Mr. Briglia asked if Mr. Connor was referring to the residents that are located directly behind the Maple Avenue Shopping Center. Mr. Connor answered yes, stating that there is a house located at the corner that has a shared sidewalk. Mr. Briglia explained that there is a line where the zoning crosses to residential and is no longer considered a commercial zone. That is where the obligation ends. Mr. Connor stated that the notion of reasonable notice gives him concern, stating that two lines down on the proposal document it states that abatement must take place within twenty-four (24) hours of notice. He stated that it has been suggested that notice be given to someone's business but does not state when notice can be issued. If it is during a State of Emergency then the current language does not allow for reasonable opportunity to attend to that. During the previous January, when they had 3 feet of

snow, he did not see a plow on his street for a week. Mr. Briglia stated that is the kind of input that the Town Council is interested in hearing. He explained that, in one of the local ordinances, he found a suspension provision. He noted that it is not often that the Town experiences a 3 foot snow. When they do it is almost always a designated State of Emergency. The Town has emergency powers under the Town Charter, which would include suspension of enforcement of certain provisions until things clear up. He stated that Mr. Connor notes a valid concern. They can be addressed in his communications back to the Mayor and Town Council that the Committee feels that a provision of suspension under the authority of the Town Manager or Mayor should be included.

Mr. Connor stated that the empowering statute itself is not well defined, noting that it is overly broad, and vague. It does not discuss the process of who determines what, how it is defined, or who enforces the process to contest that, which may suffer the same types of deficiencies. He asked, when discussing placing a lien on someone's property, are they are discussing the business itself. Mr. Briglia answered that a lien would be specific to the property. Mr. Connor stated that if they are treating it as a tax, a tax accumulates interest over time and asked how one would reasonably get notice that a lien has been placed on the property. Would it not be until they are ready to sell. In addition, will there be a limit to the amount of interest that can accrue, and how many charges can a location receive for the same violation.

Mr. Briglia invited the Director of the Department of Parks and Recreation; Cathy Salgado forward to speak. Ms. Salgado stated that the purpose of the ordinance is to give notice. If the violation is not evaded, similar to mowing grass, in which the Town offers a ten day or two week notice to abate the issue. If the ordinance grants 24 or 48 hours, common sense must always prevail. Ms. Salgado explained that during the previous winter the Town could not even clear the streets within 24 hours, noting that obviously such a time frame would be impossible for anyone else to do the same.

Ms. Salgado stated that she did extensive research on the subject, communicating with the surrounding jurisdictions on their enforcement procedures and penalties assessed. She explained that the intention of the process is to encourage businesses; which, in her opinion should include the residential area. It is half the Town's residents and businesses who clear the sidewalks during a snowfall. With respect to the commercial district the Town wants customers to be able to get to its businesses. They would like to encourage businesses to be a part of the community. The Town cannot afford to hire additional staff to get the entire job done. Mr. Connor agreed, stating that it is perfectly acceptable to ask persons, who are able to attend to their properties, to keep them in an accessible and safe manner. He would like to be certain that the Town is instilling good parameters that can be well defined. He is concerned that is not as the ordinance has been laid out in its current draft. Ms. Salgado stated that in matters of notification the Town always mails out a letter that includes the amount of time that someone has to correct the situation. She stated that the question is when the Department of Parks and Recreation should come out to do it for you. Should it be within 48 or 72 hours. She stated that parameters have been set for mowing, weeding, and encroachments on to sidewalks. Snow is different in that it needs to be cleared a lot faster and is a matter of public safety.

Mr. Connor stated that it sounded as though the ordinance would eventually extend to the community. He stated that the Town should anticipate public reaction when a lien could be placed on their property, particularly for seniors or disabled persons who live in the community. Mr. Briglia agreed, stating that the Town Council is not proposing an ordinance within the residential district and they are not asking the Committee to consider that matter. They have only asked for the Committee's input on behalf of the business community. To answer the question as to how many times a business or property can be cited,

Mr. Briglia noted that they cannot be cited until notice has been given. There currently is a provision for posting properties at the main entrance of the premises or hand delivery to the owners. They do not anticipate a situation of overzealous enforcement. In addition, after initial notice has been given a location cannot be cited again for at least 24 hours. If it is not corrected within 24 hours then a location could be cited again. They can be cited every 24 hours after initial notice has been given.

Chairman Gadell thanked Mr. Briglia and Ms. Salgado for their comments, stating that the Committee appreciates all of the attention and research required, especially in reaching out to surrounding jurisdictions. He stated that although the Town is special other jurisdictions have probably run in to the same issues that Ms. Salgado has had to deal with in the Town. Ms. Salgado agreed, stating that the department has four people who shovel snow from the sidewalks in Town. Their first priority is to clear snow from sidewalks for the in Town schools. In addition they work to support the Department of Public Works with half of the crew driving snow plows as they cannot bring in additional personnel to work to clear roads and sidewalks. Ms. Salgado submitted photographs of the streets during previous snowstorms for the Committee for review. She stated that they find that as a company policy, the national banks do clear their own sidewalks in addition to clearing the parking lots for their customers. Problems are occurring when the drivers clearing the lots, push snow onto the sidewalks. Last year a 10 foot pile of snow was pushed from the Urgent Medical Care parking lot behind the bus stop, blocking the public sidewalk and access to the bus shelter. Ms. Salgado stated that she personally tunneled through that pile, taking roughly 8 hours to complete. Snow piles can be such a safety hazard and pedestrians have to have access to bus stops. She stated that there are also certain locations where one needs to be able to walk to get to a particular business. When access is so limited or cutoff it is frustrating for the residents as well as her Department. They cannot possibly get to all of it and are attempting to come up with solutions to an ongoing problem.

Chairman Gadell stated that he can appreciate Ms. Salgado's comments. The spirit of the ordinance is to encourage the assistance from business owners in being mindful of snow that needs to be cleared. The challenge with the ordinance is that it should be broad enough to apply liberally but some specific questions remain and to what degree it should go to. **Chairman Gadell stated that committee feedback includes: more specifications on time lines in what would constitute as business hours such as Sundays or if a business is typically closed on a Monday, and what is a reasonable timeframe. He stated that additionally, the photographs provided detail huge snow banks in front of businesses that have been put there by snow plows. He asked if there is somewhere that a business can call for assistance as to how to handle such a large pile of snow. No reasonable person with a shovel can expect to remove it.** Ms. Salgado explained that the department mailed out letters to all property owners for properties located within commercially zoned districts reminding them to please shovel the sidewalks that are adjacent to their property for public safety and as a courtesy to their customers. She stated that last year was a good example in that the Town had to bring in dump trucks to remove the snow that had accumulated at the corners and intersections. A lot of the larger shopping centers did remove a majority of the snow from their lots. The most recent snow fall that the Town experienced is typical and can be expected to happen at least once a year. They need to make snow plow drivers aware of the best places to put snow. She recently witnessed a snow plow driver for Vienna Elementary pushing snow all along the sidewalk where their students would need to walk in order to get to school. She notified both the driver and the school office that the snow needed to be removed from the sidewalk. She was told by the school that she should call Fairfax County to request that the snow be removed, which was never corrected. She had tried to explain to the driver that there was plenty of space to put the snow and that it did not have to push up on to the sidewalk. Locations such as the Michele Rene building would have limited options in plowing snow and would be considered a special circumstance.

Mr. Gadell asked if an educational piece could be included in the language of the ordinance, stating that snow removal does not mean on the sidewalk. Mr. Briglia explained that the way that the statute is currently written the Town can charge someone but a misdemeanor can only be charged if the crime was committed in your presence. It being a criminal charge, it has to have been witnessed. The suggested statute that has been provided includes both in that it puts the property on notice. The current statute is only for the abatement of a nuisance type of situation. Additional discussion followed.

Mr. Connor stated that they do not want to have a regulation that squashes a small business owner. He believed that ***the ordinance is good to have so long as it is well articulated, is reasonable, and allows for some process. Mr. Gadell agreed, stating process, leeway, and is enforceable.*** Mr. Briglia stated that it is his office that would be responsible for prosecuting, to which he hoped to not to have to charge anyone. Chairman Gadell stated that all business owners in the Town would agree that the intent is good, moving in the right direction, wanting business owners to clear their lots, keeping snow off of the sidewalks, and that they want to assist the hardworking employees of the Department of Parks & Recreations in doing their job. He stated that on behalf of the Committee they appreciate their efforts and asked that Mr. Briglia and Ms. Salgado take their comments back in the spirit in which intended. He noted that there are some areas to work on but the Committee supports the idea. Mr. Briglia stated that if those are the comments he would ask that the Clerk of the Committee forward the minutes on to him so that he can include them with his comments and report back to the Mayor and Town Council.

Ms. Thomas asked if there is another term besides reasonable, noting that reasonable can be subjective. Mr. Briglia stated that there is a section that expands on how notice is given, in being served, and posted at the property. He stated that they would review the testimony of the server to determine if it was a reasonable process in serving the property as well as in citing the property. Chairman Gadell thanked Ms. Salgado and Mr. Briglia for their comments. There being no further discussion Ms. Salgado and Mr. Briglia were seated.

#### **( 4 ) Enforcement of Sidewalk Snow Removal Ordinances in Northern Virginia**

Consideration of this topic is continued from the Council Work Session of September 20, 2010, when Council requested comparison information on regulations and enforcement in surrounding jurisdictions. Per Steve Briglia, there is very little analysis on the snow clearing issue in Virginia.

There is a General Code section on abating nuisances that mentions snow, but it is inconclusive. Some jurisdictions have addressed the problem under the general authority to abate nuisances, in which case there would be stronger legal ground in the commercial zone. From the perspective of the general nuisance provision, in the commercial sector where people are inviting prospective business customers to their properties, they are inviting them to the nuisance. So, there is greater legal support for requiring business owners to clear the sidewalks.

The amount of snow is not specified in regulations of other local jurisdictions. Falls Church declares that snow or ice should be cleared within 12 hours of the time that it stops accumulating. Falls Church had the most summons issued.

Cathy Salgado called a number of other local jurisdictions to inquire about enforcement methods and the department responsible for enforcement. The responsible department seems to be a matter of preference among the jurisdictions, but it is typically either the Zoning Department or the Police Department. One jurisdiction assigns the Town Manager's office the responsibility for enforcement. Leesburg was not satisfied with the enforcement of their snow clearing regulations last year, and is having meetings in an attempt to make improvements.

Enforcement in other jurisdictions is complaint driven; they don't take action unless there has been a complaint. In Loudoun County, the Zoning Department goes out and puts a notice on the violator's door. Then they photograph the notice on the door in case someone says they didn't get it. In previous cases where our Department of Parks and Recreation has issued notices to cut-back vegetation, they have found that once someone gets a written notice, they normally take care of the problem without any further action.

The question of enforcement and penalties for violation is not always addressed in the written ordinances of other jurisdictions. Some of them make it a civil penalty, and some make it a Class 3 or Class 4 Misdemeanor, for which there are fines. The property owner of a commercial establishment is the appropriate party to be cited for violation. Council Work Session December 13, 2010.

Most jurisdictions regulate both commercial and residential zones for clearing snow. Our Town Attorney recommends regulating the issue by zone. Churches are in commercial zones. Any changes made to the Town ordinances will have to be drafted and advertised.

Last week Kirstyn Barr sent 84 letters, signed by John Schoeberlein, to the commercial property owners along Maple Avenue to notify them that they need to clear their sidewalks and not block handicapped spots or entrances when it snows. (Or hire someone to do it.) The Town is responsible for clearing around the bus-stops. Cathy Salgado remarked that the commercial properties in Town have become accustomed to the Town clearing their sidewalks. Councilman Springsteen commented that the Town should not have to clear sidewalks for the commercial property owners. However, he would be hard pressed to require residential folks to clean their sidewalks.

During the snow clearing operations last year, Ms. Salgado found two different contractors on Maple Avenue blocking sidewalks with piles of snow shortly after her department had cleared them. That is a Class 1 Misdemeanor, enforceable by the Vienna Police. At times, Steve Briglia has had to send out notices when the commercial properties clear their parking lots and pile it up on the sidewalks. The extremely heavy snows of last winter were very unusual. It made it practically impossible to shovel all of the sidewalks, so common sense judgment may be required at times.

**Recommendation:** Mr. Briglia will draft changes and refer the proposed ordinances to the Town/Business Liaison Committee for discussion and recommendation.